

# CPG *Online Magazine*

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In Remembrance of His Majesty  
King Bhumibol Adulyadej  
1927 - 2016



German-Southeast Asian Center of Excellence  
for Public Policy and Good Governance  
CPG



*In remembrance of His Majesty King Bhumibol Adulyadej.  
He will live on with us through his great deeds for Thailand.*

**Dear Readers,**

Welcome to the sixth 2016 issue of CPG's Online Magazine (COM) for September and October which falls in a period of national mourning for the passing of His Majesty King Bhumibol Adulyadej of Thailand on the 13th of October 2016.

In this issue, as always, we look back to our recent events, present a variety of contributions on law and politics, and offer some hopefully interesting contributions in our interview and portrait section and our regular rubrics on job & funding opportunities and leisure & life-style in Bangkok.

Besides CPG's Annual Conference on **Geopolitics and Global Governance** and our Annual Academy on **Human Rights** we have offered in September/October public events on current **legal reform efforts in China**, the complex **dynamics of political violence**, current **transformations of constitutional politics** and **constitutional identity** in Southeast Asia, and experiences and strategies of **fighting corruption** in Thailand.

Core of this issue are three paper contributions on law and politics in Europe and Asia presented in the **article and essay section**: While *Anthony Rinna* sheds light on latest developments concerning the **security cooperation between Russia and South Korea** with respect to Moscow's increasing interests in Northeast Asia, *Tim Summers* analyzes the **September-election of Hong Kong's Legislative Council** pondering the question of how to read the election outcome against the background of the fiercely debated issues of political and constitutional reform in Hong Kong. *Lasse Schuldt* finally presents and thoroughly analyses a recent **landmark decision** of the German Federal Court of Justice ruling on the scope of the crime of accessory to mass murder in the case of a lower ranking administrative aid in a German death camp during the Holocaust.

Concerning the **Thai constitutional referendum** of 7 August 2016 by which a majority of the electorate has approved the constitutional bill that presently awaits royal endorsement we are glad to offer a number of

comments and assessments on the outcome and subject of the referendum in our **expert view rubric**.

In the **interview and portray section** this COM/6 2016 issue contains four interviews touching on diplomacy, some notions of legal and political history including the life work of a dedicated legal comparatist and one of Thailand's most history-laden law firms, and, finally, the current fight against the crime of child abuse in Southeast Asia.

*Shiori Tamura*, a long-term friend and colleague from Thammasat's Faculty of Law, speaks about his life's work on the comparative analysis of the **deep structure of Thailand's Civil and Commercial Code**. Based on extended research for almost two decades Shiori Tamura has explored the historical development, the foreign law influences and the autochthon solutions developed in Thai private law with unprecedented insights and a stunning thoroughness. In the interview with COM he informs about his grand project on legal comparison and his invaluable contribution on the migration of French, German and Japanese law to Thailand.

The second interview introduces to the law firm **Seni Pramroj Advocates & Solicitors** which is located in the vicinity of Thammasat University and has raised our interest due to its founder Seni Pramroj. Having been one of the masterminds of the Seri Thai movement during Second World War in exile, one of the founding fathers and leading figures of the Democrat Party of Thailand, a professor of law at Thammasat University and Chulalongkorn University, and, most notably a three-time Prime Minister of the Kingdom of Thailand, Seni Pramroj has also been a dedicated British educated attorney at law whose law firm is still run in Bangkok's old town.

Taking up an important topic of our last July/August issue this COM issue provides you with an interview with *Mark Capaldi*, Head of Research and Policy of ECPAT International, a leading global NGO dedicated to fight for the children on the **sexual abuse and exploitation of children**. Mark Capaldi referred to this issue also at CPG's Winter Academy on Human Rights in October which will again be addressed by CPG in two upcoming public events in November and December.

With our fourth and last interview we want to introduce to our readers a senior Thai diplomat, Ambassador *Nongnuth Phetcharatana*, former Thai Ambassador to Austria and Germany who also is the elected 'Ambassador of the Year' in Berlin. In the interview she shares her experiences, impressions and insights of **working as a diplomat** in Germany and beyond.

Before the regular announcements on past and upcoming **events** that are somehow related to our scope of interest and our selection of topic related **job offers**, scholarships and **funding opportunities** at the end of this COM issue we also have some new features in our **leisure & lifestyle corner**. In this issue, we provide you with some hands-on leisure tips for those being interested to work-out with **Mixed Martial Arts** (MMA) training, spend some time with **typical Thai weekend** activities or find a sound place where to **learn how to cook** your dinner the Thai way.

With many thanks to all who attended and contributed to our activities over the past couple of months, I wish you enjoyable reading!

Henning Glaser

Director

German-Southeast Asian Center of Excellence for Public Policy and Good Governance (CPG)

Faculty of Law, Thammasat University

Table of Contents

**CPG Events September-October 2016..... 6**

*Seminar “Tackling Corruption in Thailand – Problem and Impact” ..... 7*

*Special Lecture “The Introduction of Violence in Non-violent Spaces for the Making of a Dominant Identity..... 8*

*International Seminar “Political Transformation in Southeast Asia – Recent Developments, Current Issues and Future Prospects” ..... 9*

*CPG Academy on Human Rights 2016..... 10*

*CPG 7th International Annual Conference..... 15*

*Workshop “Legal Reform in China – Developments, Achievements, and Challenges” ..... 21*

**Articles..... 22**

External Challenges in the Russia-South Korea Defense Relationship

*Anthony V. Rinna..... 23*

Hong Kong’s legislature and the diffusion of power

*Dr Tim Summers..... 25*

Decision Review: German Federal Court of Justice Approves Conviction of Ex-Auschwitz Officer

*Dr. Lasse Schuldt..... 28*

**Expert Opinions on Law and Politics: The Constitutional Referendum 7 August 2016..... 36**

**Interview..... 52**

*with Mr. Shiori Tamura..... 53*

*with Seni Pramoj Advocates & Solicitors..... 58*

*with Dr. Mark Capaldi..... 60*

*with H.E. Nongnuth Phetcharatana..... 62*

**Lifestyle around Thammasat University..... 68**

*Cooking Course - Silom Thai Cooking School..... 69*

*Mu Kratha - Pla Thong Pan Fried Pork..... 70*

*Getting and staying fit..... 71*

**Announcements..... 74**

*Past Events ..... 75*

*UpcomingEvents ..... 81*

*Scholarship opportunities..... 83*

**CPG Job Market..... 85**

**Impressum..... 91**





# CPG EVENTS

## September-October 2016

### Seminar “Tackling Corruption in Thailand – Problem and Impact”

1 September 2016, Faculty of Law, Thammasat University

On 1 September, the German-Southeast Asian Center of Excellence for Public Policy and Good Governance (CPG) and the Hanns-Seidel-Foundation (HSF) Thailand have organised the seminar “Tackling Corruption in Thailand – Problem and Impact”. Combating corruption is one of the UN’s development goals as well as a central feature in Thailand’s reform discourse with its German partners. In the more recent past,

the circumstances surrounding corruption in Thailand have undergone changes both legally as well as politically. Legal changes include both statutory law and constitutional changes in the light of the new constitution which was accepted in a public referendum in August 2016. Politically, corruption and the fight against it has received heightened attention since the military took charge of the government in 2014. Corruption’s extensive effect on development and economy has been acknowledged and the fight against it has

been made a central policy concern. Against this background, the seminar has been organised in order to share experiences, best-practices and discuss common obstacles on a national and regional level. The speakers included



**Buntoon Wongseelashote**, Vice Chairman, Committee on International Trade Negotiations, Board of Trade of Thailand and Thai Chamber of Commerce, **Bhumivisan Kasemsook**, Director, International Affairs Division, Public Sector Anti-Corruption Commission, **Prof. Sahaton Rattanaipijit**, Faculty of Law,





Thammasat University, **Wisoot Tantin**, Programme Specialist, Democratic Governance and Social Advocacy Unit, United Nations Development Program and **John Frangos**, Consultant, Tilleke & Gibbins Thailand. Each presentation was followed by a lively and intense Q&A with participants raising questions and contributing comments on a large variety of related issues. The seminar was then concluded with a concise summary and closing remarks by CPG Director Henning Glaser.



**Special Lecture “The Introduction of Violence in Non-violent Spaces for the Making of a Dominant Identity: Analysing Perceptions of Conflict in the Asia Pacific Region”, Dr. Jonathan Bogais, Department of Sociology and Social Policy, School of Social and Political Sciences, The University of Sydney**

7 September 2016, Faculty of Law, Thammasat University

On 7 September 2016, CPG hosted the special lecture “*The Introduction of Violence in Non-violent Spaces for the Making of a Dominant Identity: Analysing Perceptions of Conflict in the Asia Pacific Region*”. Guest speaker was Dr. **Jonathan Bogais** from the Department of Sociology and Social Policy, School of Social and Political Sciences of the University of Sydney, Australia. In his lecture Dr. Bogais elaborated on the concept of complex systems as a analytical instrument for understanding conflict and violence at current critical juncture of international politics, exemplified by recent development in the Asia-Pacific.



**International Seminar “Political Transformation in Southeast Asia – Recent Developments, Current Issues and Future Prospects”**

8 September 2016, Faculty of Law, Thammasat University



On 8 September 2016, the international seminar “*Political Transformation in Southeast Asia – Recent Developments, Current Issues and Future Prospects*” was organised as a joint event of CPG and Hanns Seidel Foundation at the Faculty of Law of Thammasat University against the backdrop a two-fold development of constitutionalism in Southeast Asia. Whilst constitutional law has seen an

increase in importance across South-east Asia, the region has witnessed some contentious developments over the past few years. Examples include another coup d’état in Thailand, violent political unrest in Myanmar and violent acts conducted in the name of the state in the Philippines. Notwithstanding an advancing constitutional discourse, all three countries display a tendency to move

away from the western, rule-of-law based state model. During the seminar, three speakers have elaborated on this issue in the three countries mentioned. The speakers were **Jonathan Bogais**, School of Political and Social Sciences, The University of Sydney on “Myanmar’s Difficult Road to Democracy: An Examination Through Complex Systems Analysis”, CPG Director **Henning Glaser** on

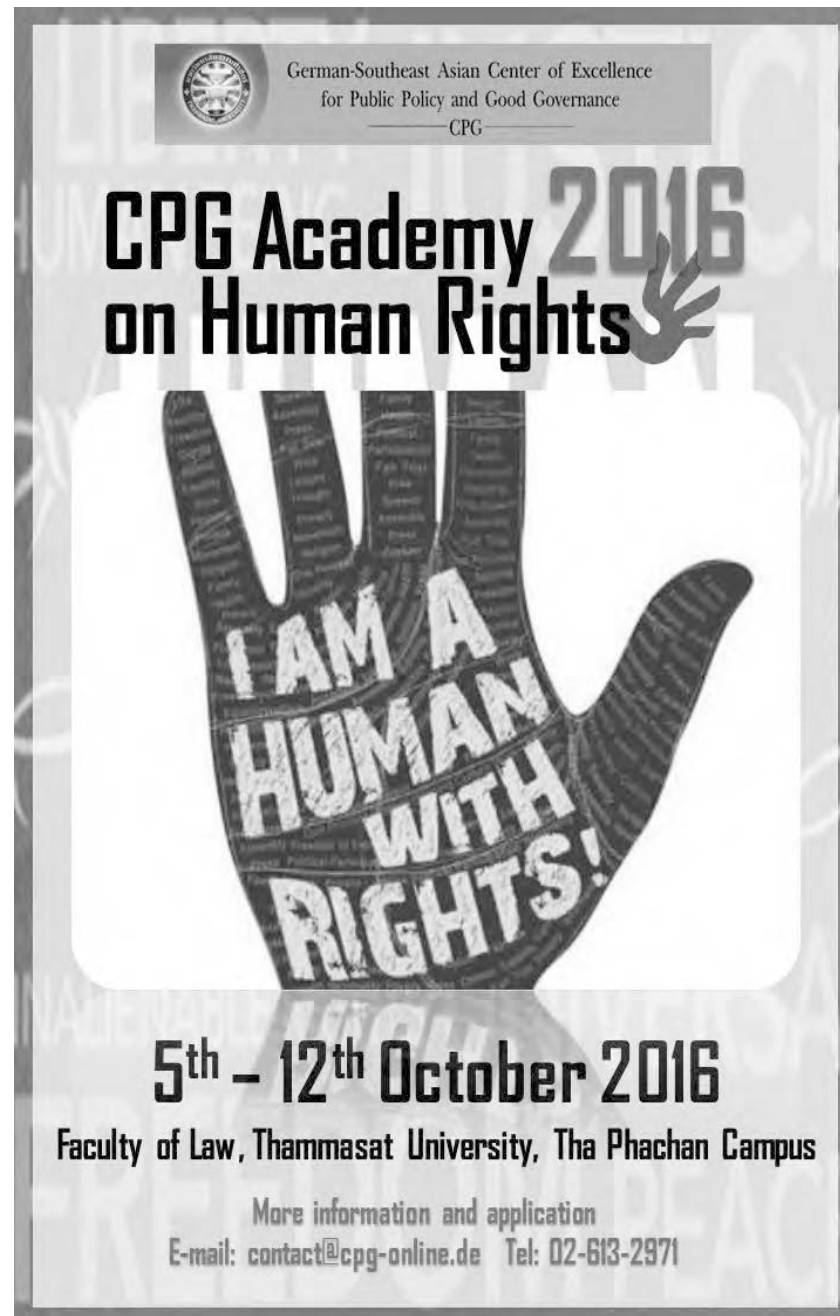


“Thailand’s Roadmap to Stability? – Post-Referendum Prospects” and **Romel R. Bagaras**, Executive Director, Center for International Law Manila, on “From Martial Law to Duterte: Has There Been Political Transformation in the Philippines?”. The speaker’s presentations were thoroughly discussed by all participants afterwards.



## CPG Academy on Human Rights 2016

5-12 October 2016, Faculty of Law, Thammasat University



From 5 to 12 October 2016, CPG hosted the *CPG Academy on Human Rights 2016* at the Faculty of Law, Thammasat University. For the fifth year in a row, CPG offered the opportunity for students, young academics and practitioners to attend a one-week intensive course on human rights.

The opening day of the Academy combined lectures and panel presentations under the overall topic of “Fundamental Concepts of Human Rights”. First, **Mr. Henning Glaser**, CPG Director, Faculty of Law, Thammasat University, gave a lecture on the “Concept, Development and Critique of Human Rights”. He was followed by a panel discussion on “Human Rights and Diplomacy” that consisted of presentations by **H.E. Dr. Khaga Nath Adhikari**, Ambassador of Nepal in Thailand, Permanent Representative to U.N. ESCAP, and **Ms. Sonja Gebauer**, Political Counsellor, Embassy of the Federal Republic of Germany, Bangkok. In the

afternoon session, **Dr. Duc Quang Ly**, CPG, Faculty of Law, Thammasat University, spoke about “Human Rights – Alternative Concepts and Critique from a Chinese Perspective”.

The second day dealt with the topic of “Minorities and Vulnerabilities”. The day started with a panel discussion on “LGBTI Rights: Protection and Education”. The panel consisted of **Mr. Paisarn Likhitpreechakul**,

Foundation for SOGI Rights and Justice (FOR- SOGI), and **Mrs. Anjana Suvarnananda**, HIV National Programme Officer, UNESCO Bangkok. After that, **Assist. Prof. Dr. Pokpong Srisanit**, Faculty of Law, Thammasat University, gave a lecture on “Human Rights in Criminal Matters”. He was followed by panel presentations and a discussion on “Human Rights and

Migration”. The panelists included **Assoc. Prof. Dr. Monti Datta**, Faculty of Political Science, University of Richmond, **Ms. Dana Graber Ladek**, Chief of Mission, International Organization of Migration (IOM), Thailand, **Mr. U Maung Kyaw Nu**, President, Burmese Rohingya Association in Thailand (BRAT), **Ms. Khonwilai Teppunkoonngam**, Asylum Access, and **Mr. Veerawit Tianchainan**, Executive Director, Thai Committee for Refugees Foundation. After the lunch break, the afternoon session was opened with a lecture by **Dr. Mark Capaldi**, ECPAT International, Bangkok, on “Abuse, Exploitation and Trade of Children”. Finally, **Mr. Pravit Rojanaphruk**, journalist at khaosodenglish.com, Bangkok, and **Mr. Colin Lovett**, Asia Coverage Editor, Voice of America, Bangkok, discussed about “Free Expression and the Press”.

On Friday, 7 October 2016, the third day of the Academy combined several country perspectives. The day’s opening lecture was given by **Mrs. Angkhana Neelaphaijit**, Commissioner, National Human Rights Commission of Thailand, on “The Human Rights Situation in the South of Thailand”. Then, **Dr. Al Khanif**, Faculty of Law, University of Jember, Indonesia, gave a presentation on “Human Rights in Indonesia”. He was followed by **Mr. Kai Shing Wong**, Institute of Human Rights and Peace Studies, Mahidol University, Bangkok, who spoke on “Human Rights in China”. The afternoon session started with **Mr. Kingsley Abbott**, Senior International Legal Adviser for Southeast Asia, Asia Pacific Programme, International Commission





of Jurists (ICJ), and his presentation on “Human Rights and the Rule of Law in Cambodia”. **Mr. Saman Zia-Zarifi**, Regional Director, Asia Pacific Programme, International Commission of Jurists (ICJ), gave the day’s final lecture on the topic of “Human Rights in Pakistan: Historical and Current Perspectives”.

The topic of the Academy’s fourth day on Monday, 10 October 2016, was “Human Rights Defenders”. **Mr. Livio Sarandrea**, Programme Specialist Rule of Law, United Nations Development Programme (UNDP), Regional Hub, gave the opening lecture on “International Institutions in Defense of Human Rights”. He was followed by **Prof. Dr. Andreas Føllesdal**, Department of Public and International Law, University of Oslo, and his lecture on “Regional Human Rights Courts: Protecting Human Rights or Respecting State Sovereignty - or both? The Margin of Appreciation Doctrine of the European Court of Human Rights as a Model”. In the afternoon, **Mrs. Nareeluc Pairchaiyapoom**, Department of Rights and Liberties Protection, Ministry of Justice of Thailand, gave a presentation on “National Institutions in Defense of Human Rights”. After that, **Ms. Sirikan Charoensiri**, Lawyer/Legal and Documentation Specialist, Thai Lawyers for Human Rights, and **Ms. Pranom Somwong**, Protection International Thailand, took part in a panel on “NGOs and Lawyers in Defense of Human Rights”.

The topic for Tuesday, 11 October 2016, was “Human Rights in Global Perspectives”. The day started with panel presentations on “Human Rights and Global Governance”. Panelists were **Prof. Dr. Roland Dannreuther**, Department of Politics and International Relations, University of Westminster, and **Prof. Dr. Arie M. Kacowicz**, Department of International Relations, Hebrew University of Jerusalem. They were followed by **Prof. Dr. Prasit Aekaputra**, Dean of the School of Law, National Institute of Development Administration (NIDA), who gave a lecture on “Human Rights Law in the ASEAN Community: Which way to go?”. The afternoon session was opened by **Assoc. Prof. Gothom Arya**, Institute of Human Rights and Peace Studies, Mahidol University, Bangkok, and **Ms. Emma Potchapornkul**, Peace Resource Collaborative, who took part in a panel on “Human Rights and Peace”. After that, **Prof. Dr. Niels Petersen**, Faculty of Law, Münster University, gave a lecture on “Political Rights”. Then, **Dr. Archie A. Alexander**, Faculty of Law, Thammasat University, closed the day with his lecture on “Globalization: Human Rights, Global Health Governance and Legal Challenges”.

The final half day of the Academy focused on “Constitutionalization as Righttization”. It was opened by **Prof. em. Dr. Dr. h. c. Dirk Ehlers**, Faculty of Law, Münster University, and his lecture on “The European Convention on Human Rights”. **Prof. em. Dr. Ingwer Ebsen**, Faculty of Law, Frankfurt University, followed with a lecture on “The Limitations of Rights in the German Constitutional System”. Finally, the last item on the Academy’s agenda was a debate on “Human Dignity in German Constitutional Law”. The debaters were **Mr. Georg Schlüter**, Legal Consultant, Bangkok, and **Dr. Lasse Schuldt**, CPG, Faculty of Law, Thammasat University.

At the end of the Academy, all participants received a certificate testifying the successful participation in the “CPG Academy on Human Rights 2016”.





## CPG 7<sup>th</sup> International Annual Conference “*The Great Game Reloaded: Order and Disorder in Geopolitics and Global Governance*”

12-14 October 2016, Lebua at State Tower Hotel, Bangkok

From 12-14 October 2016, CPG hosted its 7<sup>th</sup> Annual International Conference on the topic “*The Great Game Reloaded: Order and Disorder in Geopolitics and Global Governance*” at Lebua at State Tower Hotel, Bangkok. The conference offered a forum to discuss issues of geopolitics and global governance in interdisciplinary perspectives with a focus on the linkage of normative orders and (geo-) political strategies. 12 speakers from 9 countries, including Canada, China, Germany, Israel, Russia, Sweden, Thailand, the United Kingdom and the USA, contributed with fascinating presentations to the great success of the conference.

The conference opened with a ceremony on the evening of 12 October 2016. Welcoming words were delivered by **Dr. Peer Gebauer**, Deputy Head of Mission, Embassy of the Federal Republic of Germany, **Prof. Dr. Udom Rathamarit**, Dean, Faculty of Law, Thammasat University, **Prof. em. Dr. Ingwer Ebsen**, Faculty of Law, Goethe University Frankfurt, and CPG Director **Henning Glaser**, Director, German-Southeast Asian Center of Excellence for Public Policy and Good Governance (CPG), Faculty of Law, Thammasat University. An informal get-together with cultural program and live music completed the evening.

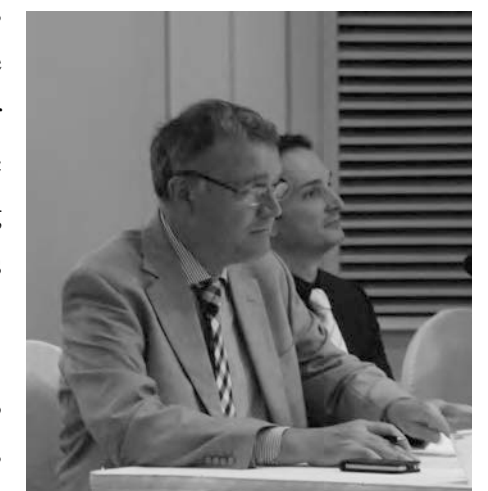
The first conference day on 13 October 2016 started with the presentation by **Prof. Dr. Arie M. Kacowicz**, Chaim Weizmann Chair in International Relations, Faculty of Social Sciences, Hebrew University of Jerusalem, on “Alternative Normative Orders in the

Age of Globalization”, differentiating eight normative orders that inform the study of globalized international relations. **Dr. Sabine**

**Selchow**, Fellow, Civil Society and Human Security Research Unit, Department of International Development, London School of Economics and Political Science (LSE), followed with her presentation on the topic

“Beyond Order and Disorder in a Cosmopolitised World: Understanding Recent Developments in the Global Security Discourse and its Consequences for the International Order and Global Governance”.

The second conference panel was opened by **Dr. Michael Lüders**, President of the German-Arabic Society, whose talk “Defeating Chaos? Why a Military Victory Against the ‘Islamic State’ is not Possible”







outlined the historical developments behind current violent conflicts in the Middle East, highlighting the particular role of Western powers in the region. **Dr. Fabio Tronchetti**, School of Law, University of Mississippi, then presented on the topic “The Geopolitical Dimension of Space Activities: Assessing the Strategic Impact of Space Policies and Laws at Global and Regional Level”. He analyzed the strategic importance of outer space activities and corresponding legal challenges for global governance.

The afternoon session started with the presentation “Energy, Geopolitics and International Security” by **Prof.**

**Dr. Roland Dannreuther**, Dean of the Faculty of Social Sciences and Humanities, University of Westminster. Professor Dannreuther particularly examined the role of fossil fuels, emphasizing substantial distributive and strategic differences between coal and oil/gas explorations.



He was followed by **Prof. Dr. Jona Razzaque**, Bristol Law School, University of the West of England, who gave a talk on the topic “Dismantling Resource Sovereignty in the Context of Right to a Healthy Environment”, focusing on the legal challenges for local communities in the face of natural resource extraction by domestic and multinational corporations.



The second conference day had to be arranged in a non-public workshop format due to the passing of His Majesty King Bhumibol Adulyadej the evening before.



Following a minute of silence the academic program was continued by **Prof. Dr. Kjell Engelbrekt**, Department of Security, Strategy and Leadership, Swedish Defence University, Stockholm, and his presentation “A Stakeholdership of the Few? The Promise and Perils of High-Table Diplomacy” in which he assessed the various formats



of international diplomacy and their respective significance as forums for formal or informal international rule-making. **Prof.**

**Dr. Andrew Cooper**, Department of Political Science, University of Waterloo, then talked about “The Ascendancy of Informal Summits via the G20 and BRICS: Global Governance meets Geo-politics”. He examined the role, aspirations and strategies of the BRICS countries in the framework of informal summits as distinguished from established formats.



The following panel consisted of presentations by **H.E. Kasit Piromya**, National Reform Steering Assembly, former Minister of



Foreign Affairs of Thailand, and **Assist. Prof. Dr. Andrej**

**Krickovic**, Faculty of World Economy and International Affairs, National Research University Higher School of Economics, Moscow. H.E. Kasit Piromya presented on the topic “The Great Game Reversed: PRC Moving West” by assessing economic and military strategies of the People’s Republic of China and its impact on countries of Central Asia. Professor Krickovic’s presentation “Cautious Riser and Desperate Challenger: China and Russia as 21st Century Great Powers and the Symbiotic China-Russia Relationship” treated the Sino-Russian relationship based on the two countries’ mutual economic and geo-strategic interests as well as their internal political systems.



The final panel was opened by **Assoc. Prof. Dr. Saori Katada**, School of International Relations, Dornsife College of Letters, Arts and Sciences, University of Southern California, who gave a presentation on “Competitive Standard-setting:

TPP, AIIB and Global Economic Order”. Professor Katada analyzed current free trade frameworks with a



particular view to the strategic interests of major economic powers such as PR China, Japan and the United States of America. **Prof. Dr. Niels Petersen**, Chair of Public Law, International Law and EU Law, Faculty of Law, University of Münster, then talked about “The Political Backlash Against Free Trade: Towards a New Era of Economic Isolationism?”, exploring the current lack of public support for free trade agreements as well as possible remedies.

The panel presentations were critically discussed and commented by **Mr. Phattharaphong Saengkrai**, Lecturer, Faculty of Law, Thammasat University; **Mr. Iain Cowie**, Lecturer, Faculty of Political Science, Thammasat University; **Dr. Christopher**

**Ankersen**, Head, Security and Safety Section Bangkok of the United Nations Department of Safety and Security; **Ms. Thitirat Thipsamritkul**, Lecturer, Faculty of Law, Thammasat University; **Dr. Kriengsak Chareonwongsak**, President, Institute of Future Studies for Development, **Prof. em. Dr. Ingwer Ebsen**, Faculty of Law, Frankfurt University; **Assoc. Prof. Dr. Monti Datta**, Faculty of Political Science, University of Richmond; and **CPG Director Henning Glaser**.

The panels were chaired by **Assoc. Prof. Dr. Pinai Nanakorn**, Faculty of Law, Thammasat University; **Ms. Nathanicha Lephilibert**, Lawyer (Professional level), Office of the Council of State; **Prof. em. Dr. Dr. h. c. Dirk Ehlers**, Faculty of Law, Münster University; **Dr. Warawit Kanithasen**, Senior Research Fellow, CPG; and **Dr. Lasse Schuldt**, CPG.



## CPG's 7th Annual International Conference

### *“The Great Game Reloaded: Order and Disorder in Geopolitics and Global Governance”*



**12-14 October  
2016**

**Lebua at State Tower  
Hotel, Bangkok**

**Organized by** German-Southeast Asian  
Center of Excellence for Public Policy  
and Good Governance (CPG)



German-Southeast Asian Center of Excellence  
for Public Policy and Good Governance  
CPG

#### Speakers

**H.E. Kasit Piromya**, former Minister of Foreign Affairs of Thailand; **Saori Katada**, University of Southern California; **Arie M. Kacowicz**, Hebrew University of Jerusalem; **Jona Razzaque**, University of the West of England (UWE); **Roland Dannreuther**, University of Westminster; **Sabine Selchow**, London School of Economics and Political Science (LSE); **Michael Lüders**, Deutsch-Arabische Gesellschaft; **Andrej Krickovic**, National Research University, Moscow; **Andrew Cooper**, University of Waterloo; **Fabio Tronchetti**, School of Law of the Harbin Institute of Technology; **Niels Petersen**, University of Münster; **Kjell Engelbrekt**, Swedish Defence University



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**Workshop “Legal Reform in China – Developments, Achievements, and Challenges”**

26-27 October 2016, Windsor Suites Hotel Bangkok

On 26-27 October, CPG with support of The Rights Practice, UK, arrange the workshop “Legal Reform in China – Developments, Achievements, and Challenges”. The workshop addressed recent developments and achievements as well as challenges of legal reform in China with particular attention paid to the field of criminal procedure law.





# ARTICLES

## External Challenges in the Russia-South Korea Defense Relationship

*Anthony V. Rinna, a Russia and Eurasia Analyst with the Sino-NK research group, South Korea*



Russia and the Republic of Korea have recently enjoyed an uptick in their relationship, partly as a result of the former's "pivot to the East" strategy. Yet in the area of traditional, military-oriented security, cooperation has fallen short. This is not to say that the two states are overtly hostile to one another militarily. Rather, bilateral military relations between Moscow and Seoul have been stunted by a number of external factors. Contrary to what one may expect, it is not simply because Russia and South Korea (closely aligned with the United States) are part of opposing blocs. Rather, in Russia's case, it is a set of security concerns directly tied to Russia's regional interests in Northeast Asia that have complicated Russian defense relations with South Korea.

### Historic Overview

Following decades of partnership with North Korea, the Soviet Union began making moves toward normalizing ties with South Korea, and established diplomatic ties with the ROK in 1990. After the fall of the USSR, the newly created Russian Federation largely turned away from its former ally North Korea in order to improve ties with the economically robust South Korea to attract hard currency investments in the Russian economy. Nevertheless, by the mid- to late-1990's relations between the Russian Federation and North Korea normalized, with seemingly little effect on Moscow's relations with

Seoul. Russia's respective ties with the two Koreas have even been described as embracing a policy of "equidistance". Today, South Korea's relationship with Russia is currently considered to be a "strategic partnership".

As Anatoly Torkunov asserts in *What is the Meaning of the Korean Question for Russia?* (В чем значение корейского вопроса для России?), the Korean Peninsula is critical for both Russia's security and economic interests. Korea constitutes the "soft underbelly" of Russia's Far East, largely because of the tense security situation combining North Korea's nuclear capabilities with the convergence of several regional powers, including China, Japan South Korea and the US. Furthermore, with one of the wealthiest and most vibrant economies in the world, South Korean investment is a major boon for the Russian Far East's development.

### Russia's Military Ties to North Korea

According to *Security and Cooperation in Northeast Asia*, published by the Russian International Affairs Council (RIAC) and Seoul National University (SNU), it is in both Moscow's and Seoul's best interests to create a balanced multilateral security framework in Northeast Asia. Ideally, this would take the form of a concrete, multi-party security institution, yet one that falls short of being a formal alliance, similar to the Shanghai Cooperation Organization. The joint RIAC-SNU report declares that it is imperative that the region does not become enmeshed in Cold War-style security arrangements. Any such form of integration would necessitate relationship building between North Korea and old Cold War-era allies. Russia is indeed interested in expanding its defense relationship with North Korea, but not at the expense or detriment of its defense relationship with South Korea. Russia has agreements with both North and South Korea respectively to communicate

with each other on defense developments and, more specifically, to prevent mishaps between Russia's military and those of the two Korean states during drills or other operations

Yet the Russian military finds it easier to establish a relationship with the North Korean armed forces compared with the South Korean military partly because of the latter's strong defense ties with the United States. Russia and North Korea have taken steps to advance their military relationship, such as participating in military expositions, and the two countries have even proposed joint military exercises. Creating a blatantly anti-US bloc in Northeast Asia, however is not Russia's primary motivation for closer defense ties with the DPRK, as doing so would only increase Russia's vulnerability in the region. Rather, Russia's main reason for expanding military ties with North Korea is to keep the lines of communication open between the two militaries, as well as allow Russia to continue monitoring North Korean military developments by way of confidence building. Thus, the main driver of Russian policy with North Korea is the desire for new partnerships to aid securing Russia's Asiatic rear in a highly nuanced and tense environment.

### Missile Defense

While Russia and South Korea hold in common their condemnation of the DPRK's provocations, the issue of missile defense in Korea remains a thorny issue for Russia in the region. Russia is concerned that the THAAD (Terminal High Altitude Area Defense) deployment endangers Russian security. Washington had proposed deploying THAAD in South Korea citing North Korea's growing offensive missile capabilities concurrent with a decline in the DPRK's conventional military prowess. American officials have consistently stated that THAAD is not directed at Russia, although Moscow has not given

credibility to Washington's stated position.

The fallout between Russia and the United States over THAAD has brought South Korea in the diplomatic crossfire. To some extent, the South Korean government's desire to place THAAD on its soil has led to some verbal skirmishes between Russia and South Korea. After North Korea's orbital rocket launch in February 2016, Lee Cheol-woo, a South Korean Member of Parliament and former intelligence official, accused the Russian Federation of supplying parts necessary for the construction of the long-range rocket. His accusation was allegedly based on intelligence collected by South Korean security services. Lee's assertion emerged during negotiations between South Korea and the US over the deployment of the Thermal High Altitude Area Defense missile system. It is possible that this was a case of the politicization of intelligence, being used to justify THAAD's deployment, a decision that has been proven to be highly controversial in South Korea today.

Russia and South Korean disagreement over THAAD, while unfortunate for two countries that otherwise have a healthy bilateral relationship, is tied primarily to the issue of North Korean security provocations. The government in Seoul did not approve the positioning of THAAD on its territory as a specifically anti-Russian measure. Nor is this, according to American defense officials, the United States' primary motivation for installing THAAD. Nevertheless, the realities of Russian geography have taken what was supposed to be a joined ROK-US response to developments in North Korean missile technology and caused an extra complication for Moscow and Seoul.

### Conclusion

At the risk of falling into a trap of determinism, it seems that South Korea and Russia currently face

difficulties in their bilateral defense relations due to external factors. In part, one could argue that this is a result of the great power interplay between Russia and the United States, especially concerning the issue of missile defense. Yet more so than that, Russia and South Korea are locked in a difficult position because of the very real threat to both countries posed by North Korea. Russia wishes to keep a close eye on North Korea's conventional capabilities through relationship-building. Yet the price of this is the perception, and perhaps eventual reality, that North Korea and Russia will establish a military relationship that stands in opposition to the long-standing South Korea-US defense partnership. South Korea's vulnerability to North Korean missile capabilities has likewise led to a situation where Moscow and Seoul sharply disagree on how to best manage this aspect of the North Korean threat. In the end, it is an issue of differing approaches to an overarching threat in a tight geographic neighborhood.

### Hong Kong's legislature and the diffusion of power

*Dr Tim Summers, Senior Consulting Fellow on the Asia Programme at Chatham House and an Adjunct Assistant Professor in the Centre for China Studies, The Chinese University of Hong Kong. This article represents his personal views and was last updated on 13 November 2016.*



Tim Summers argues that the results of September's Hong Kong elections indicate a growing diffusion of power and influence across Hong Kong politics and society – and not a tighter grip from Beijing. This underlying fragmentation substantially reduces the chances of meaningful progress on political and constitutional reform.

Hong Kongers went to the polls on 4 September to vote in a new legislature – the Legislative Council (LegCo) – in elections which attracted more international interest than any since the handover of Hong Kong from British to Chinese sovereignty in 1997. That interest has since been maintained following the aborted oath-taking by several new legislators, and the subsequent interpretation of the Basic Law by the National People's Congress Standing Committee (NPCSC).

This interest is not surprising. These were the first elections since the 79-day 'occupy' movement of autumn 2014 and the rejection in June 2015 by LegCo of proposals for political reform which would have seen the head of the Hong Kong Special Administrative Region (SAR) and its government (the Chief Executive) elected by popular vote, albeit after candidates were effectively screened by a nomination committee.

Politically and constitutionally, the most significant development since 2014 has been the emergence of advocates of independence or some form of 'self-determination' for Hong Kong, the first time that there has been such a fundamental challenge to the constitutional settlement which was set out in the 1984 Sino-British Joint Declaration and the 1990 Basic Law. (Incidentally, though some argue that this is the product of a misguided strategy towards Hong Kong on the part of Beijing or the Hong Kong Chief Executive, self-determination was latent in positions taken by a minority during the occupy protests and their aftermath, who rejected any role for the central government in selecting the

Chief Executive.)

The results of the LegCo elections reflect the new politics, in particular through the election of a number of candidates who support self-determination in some form or advocate revisiting the Basic Law, including the two at the heart of the oath-taking controversy. Analysis of the voting patterns in geographical constituencies suggests that support for self determination or independence is probably around one in nine of those who voted. These votes were at the expense of the traditional opposition, so-called ‘pan-democrats’ and other radicals, who gained two fifths of the votes cast.

Making these calculations is complicated by the fact that voters had two votes, one in geographical constituencies and another in functional constituencies. The vast majority of second votes were cast in five of the functional constituencies, where 42% of voters supported pro-establishment candidates (compared to their 40% in the geographical seats), a proportion consistent with their historical performance. This demonstrates that Hong Kong continues to have a sizeable conservative population.

It is clear that these elections split the opposition: there are ten parties or political groupings among their 30 seats (out of a total of 70), only two of which have more than two seats (some calculations suggest that only 29 legislators should be counted in this group).

There has been more unity in the pro-establishment camp, which has traditionally been better organized. But there has also been some fragmentation and contestation here, reflected in the varying degrees of criticism of the current Chief Executive, C. Y. Leung, and in controversy before the elections over whether a member of the Liberal Party was asked by someone allegedly ‘close to Beijing’ not to stand.

The big losers in the elections were moderates, those who have sought to some degree to bridge

maintaining dialogue with Beijing and pushing to maximise Hong Kong’s autonomy and democracy within the constraints of the constitution.

Before looking further at what this means, it is worth noting that the LegCo polls were not just about the relationship between Hong Kong and Beijing. Indeed, immediately following the elections most attention was paid to the lawmaker with the highest number of votes, Eddie Chu Hoi-dick, who campaigned on environmental issues and highlighted alleged collusion between government and local villagers around a housing project in Hong Kong’s northwest.

### **I. Diffused politics, not a tighter grip from Beijing**

A common narrative has taken hold in much commentary on Hong Kong, to the effect that Beijing (meaning the central Party-state or organs under it) is tightening its grip on Hong Kong, and Hong Kong’s high degree of autonomy has been compromised. This was most recently picked up in a report from the US Congress suggesting that the US administration should consider reviewing its approach to Hong Kong.

However, the results of the Hong Kong elections suggest this analysis is off the mark and something else is going on in Hong Kong politics. Several features of the LegCo elections point to a more diffused and decentred politics, along with greater individual empowerment, not a tighter grip from Beijing. At the same time, there is something of an insecurity spiral between the growing opposition assertiveness and the response to it from some officials in the central government’s liaison office in Hong Kong.

The first relevant feature of the election results is simply the increase (from 27 to 30) in the number of opposition legislators who are – to varying degrees – critical of or hostile to Beijing. Further, a number of vehemently anti-Beijing candidates were elected, including some who accompanied their (aborted) oath-taking on the first day of LegCo with vulgarities and messages to the effect that ‘Hong Kong is not China’. Together with the subsequent turmoil in the council this prompted the NPCSC interpretation.

Further, the clumsy attempt by Beijing and the Hong Kong government to prevent pro-independence candidates from standing for election backfired. Although several individuals were not allowed to run, others were. The attempt itself was probably counterproductive in terms of votes, and certainly damaging in terms of wider public opinion. This is one further example (on top of national security legislation, national education, and the 2014 reform package) of the difficulty Beijing has in influencing Hong Kong society and politics. The initial critical response to the interpretation, and the need for it to be implemented through the contested processes which mark Hong Kong’s legal system, further demonstrate how Beijing’s hands are tied.

Beijing’s hands are also tied by politics in the establishment camp, where legislators also need to adopt positions which meet with public support. The fact of elections for LegCo means that they simply cannot just toe any old line from Beijing. This has been a feature of Hong Kong politics since elections for the legislature were introduced after the debates of the 1980s, but this pro-establishment dilemma has become starker since 2014 as the centre of gravity of Hong Kong politics has moved away from Beijing.

So what we have is a more diffused politics - incidentally not dissimilar to that in many other societies as post-financial crisis challenges grow across societies to the assumptions and realities of globalised modernity. While the opposition

claims that Beijing is tightening its grip – the narrative which finds fertile ground in much of the international media, the government complains that it has little room for manoeuvre given opposition in LegCo. And those close to Beijing feel that the anti-Communist Party majority in Hong Kong remains strong, and their influence is weak. Over time, power and influence – which find their primary outlets in the ability to veto more than proactively shape new policy outcomes – have become increasingly diffused across Hong Kong politics and society.

### **II. Implications for Hong Kong’s political system and policy issues**

Two months after the election, what does this mean for Hong Kong’s political system and policy directions?

The operation of LegCo is clearly becoming more fractious. The oath-taking episode suggests that more legislators than in the past are going to use the council for political theatre. Serious policy debate has already suffered.

Debate about the NPCSC interpretation will continue. At the same time the focus of Hong Kong politics is turning to the selection in March of the Chief Executive whose term will begin on 1 July 2017. The process begins in December with elections by sub-sector of members of the 1,200-strong committee which will vote on candidates. So far, only one individual has formally stated his intention to stand. The general assumption has been that the central government would make its preference known (though this should not be taken for granted), and given that the option of a popular vote was rejected, this preference would prevail, but in the face of protests. More confrontational scenarios cannot be ruled out.

What events since the LegCo elections show is that - whoever emerges from this process - Hong



Kong society and politics is fundamentally and increasingly polarised and fragmented. Leadership does matter, and the identity and approach of the Chief Executive after next summer could make some difference at least to the mood and style of politics in Hong Kong. But opposition legislators have taken hard positions which are unlikely to be amended in response to any candidate who ends up being acceptable to Beijing. Neither is Beijing likely to offer anything better than before on the constitutional settlement. Hong Kong's structural political problems will continue.

The final implication of fragmented and diffused politics is therefore that the prospects for political reform look worse than ever. By definition (and constitutional requirement), constitutional reform needs a reasonable consensus. It is hard to see how this will emerge. The confrontational response to the interpretation makes clear that opposition legislators do not want to engage in negotiation with the government; but even if they did, their fragmentation and a marked lack of leadership among these legislators means the prospects for progress are minimal.

Political reform is therefore frozen for the foreseeable future. Governments in the West should consider this carefully when calling for a resumption of the reform process which was abandoned in 2015. Better that they ensure their positions first support a return to the building of consensus in Hong Kong within the Basic Law and the 'one country, two systems' framework. As it was when negotiated with the international community's support in the 1980s and 1990s, this remains the best and only realistic compromise for Hong Kong, which has the ability to square the aspirations of many people in Hong Kong with the reality of Chinese sovereignty. It is that willingness to compromise which Hong Kong politics desperately needs to recover over the coming years.

## Decision Review: German Federal Court of Justice Approves Conviction of Ex-Auschwitz Officer

*Dr. Lasse Schuldts, DAAD Lecturer of Law, CPG, Faculty of Law, Thammasat University*



On 20 September 2016 (published 28 November 2016), the German Federal Court of Justice (Bundesgerichtshof) rejected an appeal by 95 years old Oskar Gröning who had served for the national-socialist "SS" in the concentration camp of Auschwitz and who had been found guilty of assistance (aiding) to murder in 300,000 cases.<sup>1</sup> He had been sentenced to four years in prison. The Federal Court decision is a landmark case as it approves a substantial reduction of the requirements necessary to establish criminal assistance.

### I. Summary of the facts

Mr. Gröning joined the SS in 1940. He first worked in various SS offices, being responsible for accounting. In 1942, at the age of 21, he was transferred to the concentration camp Auschwitz in order to support the "operation Reinhard" (Aktion Reinhard). This operation was intended to extinct the Jewish population in German-occupied Poland and Ukraine. For this purpose, the camp in Auschwitz was enlarged and equipped with additional gas chambers and crematoriums enabling the killing and cremation of 5,000 people per day. In 1944, the SS started the "operation Hungary" (Ungarn-Aktion) which targeted the Jewish population in Hungary and which followed the pattern of the previous

<sup>1</sup> Federal Court of Justice of Germany, Order of 20 September 2016, 3 StR 49/16, available (in German) at <http://juris.bundesgerichtshof.de>

"operation Reinhard". "Operation Hungary" was conducted between 16 May and 11 July 1944. Overall, 141 trains transporting about 430,000 people from Hungary arrived in Auschwitz. At least 300,000 of them were immediately killed. The rest was killed by forced labour (Vernichtung durch Arbeit).

Since his transfer to Auschwitz, Mr. Gröning had worked in the camp's office for the administration of prisoners' assets (Häftlingsgeldverwaltung). This work involved the sorting and accounting of the money that had been taken from the deported. Moreover, one of his duties was to deliver the money to Berlin. As part of his general duty as an SS officer in Auschwitz Mr. Gröning was expected to suppress any resistance or flight attempts, if necessary by the use of weapons. Mr. Gröning knew that the deported Jews were killed. He was aware that his activity supported the killing machinery, but continued his work in order not to be transferred to serve in the war.

On at least three occasions, Mr. Gröning served at the ramp of the camp's train station where the deported people arrived. He took care of the people's luggage to prevent thefts in order to uphold the victims' wrong belief that they did not have to fear anything in the camp. This was considered necessary to ensure an orderly process of selection and killing. Moreover, armed SS personnel's presence at the ramp was intended to discourage any flight attempts.

On 15 July 2015, the Regional Court (Landgericht) of Lüneburg found Mr. Gröning guilty of assistance to murder in 300,000 cases as part of "operation Hungary".<sup>2</sup> Mr. Gröning was sentenced to four years imprisonment.<sup>3</sup> On the one hand, the Regional

<sup>2</sup> Regional Court of Lüneburg, judgment of 15 July 2015, 27 Ks 9/14, 27 Ks 1191 Js 98402/13 (9/14), available (in German) at <http://www.rechtsprechung.niedersachsen.de/jportal/portal/page/bsndprod.psm1?doc.id=KORE221452015&st=null&showdoccase=1>

<sup>3</sup> According to section 78 of the German criminal code (Strafgesetzbuch), murder is not subject to any statute of limitation.

Court noted in his favour that he never denied his responsibility and that he committed himself to openly provide information regarding his tasks and involvement in Auschwitz. Moreover, the Regional Court acknowledged Mr. Gröning's age (94 at the time of the Regional Court's judgment) and the lacking need for incapacitation. On the other hand, the high number of victims and the crime's lasting impact on surviving dependents were noted by the Regional Court to his disadvantage. The Federal Court of Justice approved this decision in all respects.

### II. Assistance to murder in 300,000 cases

The legal challenge of this case was to connect Mr. Gröning's work in the camp to the death of 300,000 people in a way that justified a conviction for assistance (aiding) to murder. The Regional Court of Lüneburg found that Mr. Gröning's three days of duty at the ramp as well as his continuous work in the camp's office for the administration of prisoners' assets accounted for assistance to the murder of all deported people that were killed in Auschwitz between 16 May and 11 July 1944. The Federal Court of Justice (hereinafter "the Court") accepted and elaborated this reasoning.

#### 1. The decision of the Federal Court of Justice

In its decision, the Court notes that assistance in the sense of Sec. 27 of the German criminal code (Strafgesetzbuch) needs to be understood as every action that objectively supports or facilitates the realisation of an offense. However, an act of assistance does not need to be causal for the concrete realisation. Moreover, acts of assistance can occur during the preparational stage of the predicate offense or after all elements of the predicate offense have already been realised. Furthermore, psychological assistance (i.e. mental support for

the main perpetrator, sustaining his will to commit the crime) is punishable as well. An example in the latter regard can be the promise to utilise or exploit the proceeds of the crime.

However, according to the Court, cases of state-organised mass crimes pose several particularities that need to be taken into account when applying the provisions of the criminal code: The systematic genocide of European Jews by national-socialist Germany was conducted, on the one hand, by a number of individual persons at the top end of the political, bureaucratic or military hierarchy who were not directly engaged in acts of killing, and, on the other hand, by a majority of people who, being part of a hierarchic chain of command, directly committed these acts. Every single case of murder therefore involved contributions on different levels of hierarchy.

Regarding the three days of duty at the ramp, the Court considers that Mr. Gröning assisted to the murder of the people of whom he had guarded the luggage for the purpose of dispersing any suspicion. Moreover, his presence at the ramp discouraged any flight attempts on the part of the victims. These acts therefore constituted acts of assistance to murder.

More interestingly, however, the Court also approves the conviction for assistance to murder based on Mr. Gröning’s general discharge of duties and his work in the camp’s office for the administration of prisoners’ assets. The vast majority of the 300,000 indicted cases were committed while he was performing these office duties. In this regard, the Court holds that Mr. Gröning’s general discharge of duties in Auschwitz assisted the leading state and SS figures who ordered and implemented “operation Hungary”. According to the Court, the national-socialist rulers and leading SS officials were able to implement the operation only because they could rely on a structured and organised “industrial killing machinery” made up by willing

and obedient subordinates. Therefore, the will and intention of those high-level persons to commit the crimes in question were substantially dependent on and sustained by these conditions. Mr. Gröning was part of this apparatus and contributed to the control of the deported persons as well as to the exploitation of their assets. Though the leaders did not know Mr. Gröning personally, they relied on all SS officials in the camp. According to the Court, it was sufficient that the leaders were aware that all positions were filled with reliable, obedient subordinates, guaranteeing a seamless implementation of “operation Hungary”. As per the findings of the Regional Court, Mr. Gröning was aware of this context. The Federal Court agrees and considers that he fulfilled his duties, knowing that he, together with others, thereby created the conditions enabling those responsible in the state and the SS to decide and order extinction operations at any time because they could rely on the implementation of their orders.

2. Comment

The Court affirmed that also bureaucrats working in the camp’s offices were responsible for the murders committed in Auschwitz. It needs to be emphasised again that Mr. Gröning was not a watchman. Rather, it was only one of his secondary obligations to oversee camp inmates and prevent them from fleeing. By holding this bureaucrat accountable for assistance to murder in all cases committed during “operation Hungary”, the decision enters new legal territory.

A) Relevant jurisprudence

Previous judgments dealing with Holocaust crimes have demanded proof of concrete acts of assistance to a particular predicate offense. In a 1969 ruling, the Federal Court of Justice rejected the claim that all

persons who were part of the extinction operations implemented in Auschwitz and who somehow acted on the occasion of such operations participated in the murders committed there.<sup>4</sup> Rather, the Court demanded that every act of assistance needed to “concretely” contribute to the commission of the predicate offense. The 1969 case dealt with a dentist who was in charge of taking care of SS officers in Auschwitz. Back then, the Court noted: “The mere fact of being part of the camp’s staff and the knowledge of the camp’s purpose to extinct the Jewish people are not sufficient to attribute to the defendant acts of killing committed while he was in the camp.”<sup>5</sup> Thereby, the Court rejected the notion of “mass crimes” and insisted that every act of assistance needed to be assessed with due regard to the time and place of the predicate offense.

In some cases, the Court accepted rather broad outlines of the predicate offense. That however could only be justified by the fact that such cases dealt with high-ranking national-socialist cadres who planned and implemented mass deportations and killings from an elevated position within the hierarchy, targeting the group of victims as a whole, thus without direct relations to individual acts of killing.<sup>6</sup> For instance, in a 1967 decision, the Court upheld a conviction for assistance to murder in 300,000 cases of a high-level SS officer (Obersturmbannführer) who was responsible for building trust with the Jewish population in Hungary, thereby facilitating their deportation.<sup>7</sup> In that decision, the Court also demanded a conviction of a mid-level officer of the Central Security Office of the Reich (Reichssicherheitshauptamt) who maintained close relations with the Hungarian government.

4 Federal Court of Justice, judgment of 20 February 1969, 2 StR 280/67, partly published in Neue Juristische Wochenschrift 1969, p. 2056.  
5 Ibid. (translation by the author).  
6 See Regional Court of Ellwangen, order of 27 February 2014, 1 Ks 9 Js 94162/12, available (in German) at [http://www.burhoff.de/asp\\_weitere\\_beschluesse/inhalte/2510.htm](http://www.burhoff.de/asp_weitere_beschluesse/inhalte/2510.htm).  
7 Federal Court of Justice, judgment of 22 March 1967, 2 StR 279/66.

Regarding low-level watchmen, however, there has been a series of Regional Court decisions that insisted on the requirement of a concrete predicate offense. In 1976, the Regional Court of Frankfurt acquitted a former Auschwitz-Birkenau watchman because the court was unable to prove concrete acts of assistance at the train station’s ramp.<sup>8</sup> In 1983, the Regional Court of Stuttgart acquitted another former Auschwitz watchman who had served on the camp’s watch towers. The court could not prove individual acts of killing. Moreover, the court did not even consider that being a watchman in itself could amount to assistance to murder.<sup>9</sup> Also the Federal Court of Justice reaffirmed the requirement of a concrete predicate offense. In a 1987 ruling, the Court was not satisfied with the findings of a regional court regarding a defendant’s concrete assistance in the murder of Weimar politician Ernst Thälmann in the concentration camp of Buchenwald.<sup>10</sup> In 1991, the Regional Court of Siegen found a former Auschwitz watchman guilty of individual acts of killing. However, he was acquitted on further counts of assistance to murder as the court found itself unable to prove that he had actually lead inmates to the gas chambers.<sup>11</sup>

In 2011, however, a judgment of the Regional Court of Munich II found John Demjanjuk, a former watchman of the extinction camp in Sobibór, liable of criminal assistance to murder in overall 28,060 cases. This decision seemed to indicate a turning point in the above-described long-standing jurisprudence as it held that all actions of watchmen in an extinction camp (such as in Belzec, Sobibór and Treblinka) facilitated the realisation of the mass

8 Regional Court of Frankfurt, judgment of 26 February 1976, 4 Ks 2/73.  
9 Regional Court of Stuttgart, judgment of 11 August 1983, 9 Ks 11/82.  
10 Federal Court of Justice, judgment of 25 March 1987, 3 StR 574/86, Neue Juristische Wochenschrift 1988, p. 2898.  
11 Regional Court of Siegen, judgment of 25 January 1991, Ks 130 Js 2/84.

killing of Jewish people.<sup>12</sup> Unique about this case, however, was the fact that it concerned killings in the comparably small camp of Sobibór. According to the findings of the Regional Court, about 600 inmates were detained in Sobibór. The group of watchmen to which Mr. Demjanjuk belonged (the so called Trawniki) counted between 100 to 150 men who all needed to be on active duty when a new train of deported persons arrived. In comparison, about 120,000 persons were detained in the Auschwitz concentration camp. Of the overall SS staff that varied between 2,000 and 4,500, only a small fraction needed to serve when the trains arrived.<sup>13</sup> The size of Auschwitz comprised 40 square kilometres, whereas Sobibór extended not beyond 0.25 square kilometres.

Against this factual background, the Regional Court of Ellwangen rejected to open a criminal trial against Hans Lipschis, a former Auschwitz watchman, in a 2014 decision.<sup>14</sup> The court noted that the findings of the Regional Court of Munich II concerning Sobibór could not be applied to Auschwitz. Regarding Sobibór, it might have been possible to attribute all acts of killing to all watchmen without circumventing the requirement of a concrete predicate offense, because of the small number of watchmen and the fact that all of them needed to be on active duty. In other words, the Sobibór watchmen were much closer to the actual acts of killing. In the case of Auschwitz, however, the Regional Court held that such an argumentation was not available. Due to the camp’s much bigger size, it could not be assumed that all watchmen assisted to all cases of murder. Moreover, normal watchmen were not allowed entry to the areas where the gas

chambers and crematoriums were. Therefore, the Regional Court found it unlikely that the 94 years old, cognitively weak Mr. Lipschis could be proven guilty in a criminal trial.

The Federal Court of Justice was aware of these older rulings when it rendered the 2016 Gröning decision. However, the Court claimed that Mr. Gröning’s case was materially different: Not “everything that happened in Auschwitz”<sup>15</sup> was attributed to him, but rather only the acts of murder committed in the “firmly defined” “operation Hungary”. Moreover, according to the Court, Mr. Gröning was found guilty of “concrete acts with a direct connection to the killings in Auschwitz”. The Court therefore estimates itself in conformity with its 1967 ruling concerning high-level national-socialist functionaries. In addition, it could not see a contradiction with its decision of 1969 that demanded proof of a concrete act of assistance to a definable predicate offense.

**B) Critique**

The Court’s argumentation is not convincing. First, the reference to the decision of 1967 is not valid because that case dealt with high-ranking – rather than low-level – SS officers pressuring the Hungarian government and actively reassuring unsuspecting Jewish people, thereby indeed materially facilitating the deportation of hundreds of thousands of Jews. Second, the Court did not take into account at all the arguments submitted by the Regional Court of Ellwangen in its 2014 decision. That would have been all the more desirable as Mr. Gröning was neither a high-level national socialist nor a watchman but rather an office worker, a bureaucrat. It is therefore the first time that the highest ordinary court of Germany has approved the conviction of a low-level bureaucrat for assistance in the murder of

300,000 people. Third, and on a more fundamental note, the Court’s opinion is at odds with general criminal law doctrine.

Though, according to a long-established jurisprudence, acts of assistance do not need to be causal, their extent of facilitation however needs to be roughly quantifiable and describable. Assistance can only be punished if it contributes to the commission of a predicate offense, in other words, if it facilitates the offense committed by the main preparator. That is the so-called accessory (akzessorisch) character of criminal assistance. The predicate offense therefore needs to be sufficiently concrete in order to establish the extent to which the acts of assistance contributed to its commission. The Court, however, satisfies itself by noting that Mr. Gröning “contributed to the conditions enabling those responsible in the state and the SS to decide and order extinction operations at any time because they could rely on the implementation of their orders.”<sup>16</sup> Thereby, the Court essentially establishes that helping to sustain a “killing machinery”, as distinguished from facilitating the actual commission of concrete acts of murder, constitutes criminal assistance. This means that the support of a murderous regime or operation is enough to hold someone criminally accountable for concrete crimes committed through it. This effectively removes the accessory character of assistance.

The requirement of a concrete act of assistance to a defined predicate offense is also based on fundamental principles of criminal law. In order to prevent that a person is punished twice for the same act (principle of ne bis in idem), but also to enable the prosecution of hitherto unknown crimes, it is necessary that a concrete offense can be differentiated from similar punishable acts of the same person. In German criminal law, an act of killing against a certain person is usually considered

separate from any other act of killing against another person. A broader perspective grouping together train transports to concentration camps and consecutive killings or even whole killing operations implemented by the Nazis may only be justified with regard to those responsible on the higher levels of hierarchy. Regarding low-rank watchmen or even bureaucrats, such an argumentation would extend the established limits of a criminal offense to an unjustifiable extent.<sup>17</sup>

Furthermore, the Gröning case dealt with acts of murder (sec. 211 of the German criminal code), not with acts of genocide (sec. 6 of the German code of international crimes, Völkerstrafgesetzbuch). Whereas the criminalisation of genocide indeed serves the purpose of protecting the social existence of a certain group (national, racial, religious, ethnic), the provision criminalising murder intends to protect individual legal goods (Rechtsgüter). Attacks against individual legal goods, however, may only exceptionally be treated jointly and only within narrow limits. One of these exceptions relates to high-ranking officials planning and implementing mass murder, but not to low-level bureaucrats who were not implicated in actual acts of killing.<sup>18</sup>

Moreover, the Court’s argument according to which SS officers like Mr. Gröning psychologically sustained the cruel intentions of National Socialist leaders does not seem entirely logic. The Court alleges that those responsible within the regime could implement such killing operations because they could rely on “willing and obedient subordinates”. However: These subordinates have been put into their positions by their leaders for the implementation of mass murder. How then can it be assumed that the subordinates could, from their part, encourage and sustain the leaders’ intention to implement the killing machine? Such an argumentation would

<sup>12</sup> Regional Court of Munich II, judgment of 12 May 2011, 1 Ks 115 Js 12496/08 (the defendant, Mr. Demjanjuk, died before the judgment became final), para. 1203; see also Fahl, Einige materielle und prozessuale Überlegungen zum Fall Demjanjuk, Zeitschrift für das Juristische Studium 3/2011, pp. 229-234.  
<sup>13</sup> Figures according to the Regional Court of Ellwangen, supra note 6.  
<sup>14</sup> Regional Court of Ellwangen, supra note 6.

<sup>15</sup> Translation by the author.

<sup>16</sup> Translation by the author

<sup>17</sup> See the arguments of the Regional Court of Ellwangen, supra note 6, in this regard.  
<sup>18</sup> Ibid.



result in the odd finding that “obedient subordinates” who were appointed and controlled by their leaders could nonetheless re-stimulate exactly these leaders. In reality, the relationship of dependence between leaders and subordinates speaks against such an assumption.

Regarding the subjective requirements of assistance, the Court applies its own long-established jurisprudence. Accordingly, a criminal assistant needs to appreciate only the material dimension of wrongdoing (Unrechtsgehalt) and the direction of the attack (Angriffsrichtung) on legally protected goods.<sup>19</sup> An assistant does not need to be aware “when, where, against whom and under which circumstances” the offense is committed.<sup>20</sup> Though this is in line with the Court’s prior rulings, the consequences of this jurisprudence are vividly demonstrated here: The Court satisfies itself with Mr. Gröning’s general knowledge that large numbers of murders were committed in Auschwitz and that his discharge of duties sustained the national-socialist leaders’ intention to implement “operation Hungary”. Such an assessment, once more, neglects the accessory character of criminal assistance. It is therefore preferable to demand that an assistant’s intention needs to cover a more or less concrete predicate offense.

Though it is understandable that German courts try to establish accountability for the murders committed by the national-socialist regime, section 27 of the German criminal code that deals with criminal assistance does not provide a blank check. The Court should have elaborated more detailed how Mr. Gröning’s general discharge of duty as a bureaucrat concretely facilitated which acts of murder committed by other camp officials. That might be an extremely difficult task due to the more than 70 years that have passed since. It might also

lead to the acquittal of indicted persons due to a lack of proof. However, today’s scarcity of concrete evidence has been caused by the deplorable absence of thorough and comprehensive criminal prosecution for decades since the end of World War II. These past shortcomings clearly cannot justify a blurring and softening of criminal law standards nowadays.

### III. Conclusion

In recent years, German prosecutors have found new interest in crimes committed under the national-socialist regime. In 2011, the first of these new cases ended with a judgment by the Regional Court of Munich II in the Demjanjuk case. That case did not become final due to Mr. Demjanjuk’s death less than a year after the judgment was rendered, while his appeal was still pending. Generally, the defendants’ high age has become an increasing problem for the prosecution. In April 2016, a trial against a former Auschwitz watchman to be held at the Regional Court of Hanau needed to be cancelled due to the defendant’s death. In September 2016, the Regional Court of Kiel rejected to open a trial against a former Auschwitz radio operator as the elderly defendant was unfit to stand the trial. Another criminal trial at the Regional Court of Neubrandenburg is scheduled to restart in 2017 as it was cancelled due to a challenge for bias against the trial judges.

By now, the Holocaust dates back more than 70 years. The time that has passed does not in any way diminish or decrease the heinous character of the crimes committed and the injustice suffered by the victims. The steadily growing distance in time, however, makes it increasingly difficult to prove individual guilt. Even though the crime of murder is not subject to any statute of limitation under German law, factual challenges related to the collection of evidence and the defendants’ high age need to be considered.

In too many cases, German prosecutors have waited more than 70 years to prepare indictments against national socialist criminals. Far more suspected perpetrators have never been brought to justice. The lack of meaningful efforts to prosecute those involved in the mass murder of the European Jews, however, cannot serve as an excuse for neglecting basic tenets of criminal law doctrine today. The legitimate goal of bringing murderers to justice should not be pursued at all costs. The ruling of the Regional Court of Lüneburg in the Gröning case sets a dubious precedent. In June 2016, the Regional Court of Detmold followed suit and found an Auschwitz watchman guilty of assistance to murder in 170,000 cases.<sup>21</sup> This highly problematic jurisprudence has now been endorsed by the Federal Court of Justice. Though lower courts are not legally bound by the Court’s decisions, they usually do not to depart from them.

<sup>21</sup> Regional Court of Detmold (case against Reinhold Hanning), judgment of 17 June 2016, 4 Ks 45 Js 3/13-9/15 (not final), available (in German) at [https://www.justiz.nrw.de/nrwe/lgs/detmold/lg\\_detmold/j2016/4\\_Ks\\_45\\_Js\\_3\\_13\\_9\\_15\\_Urteil\\_20160617.html](https://www.justiz.nrw.de/nrwe/lgs/detmold/lg_detmold/j2016/4_Ks_45_Js_3_13_9_15_Urteil_20160617.html).



# Expert opinions on law and politics: The Constitutional Referendum 7 August 2016

## Post-Referendum Thailand, Inclusive Dialogue Now More Than Ever

*Luc Stevens, United Nations Resident Coordinator*



In the past month, numerous Thai analysts have provided insights into why the junta's draft constitution passed the national plebiscite, why it was rejected in certain areas of the country, and how to assess the meaning of the national vote. The United Nations has been very clear for some time, voicing concerns over the restrictive environment that framed the referendum campaign period. Through legislative acts, NCPO Orders and other measures assessed by UN experts and agencies as falling short of Thailand's international commitments, the military government prevented a full and open national discussion on the draft constitution. In so doing, the military prevented itself from deeply understanding the needs and wishes of the Thai people. History and global experience tells us that one-sided constitutional processes fail to achieve objectives of national unity and, where often needed, reconciliation. National reconciliation remains elusive in the current environment.

The acceptance of the draft constitution by 61% of slightly more than half the eligible Thai voters who cast a ballot should not be interpreted as a mandate for the military to maintain expansive restrictions on freedoms of expression, opinion and assembly. The junta government has previously warned of the perils of first-past-the-post majoritarian rule. The August referendum's results, a product of an unbalanced and restrictive campaign and education process, speak to a divided society more than an overwhelming mandate. The junta should move forward in a measured manner, recognizing the contributions that can be made by all Thais from across the diverse political, social and economic spectrum.

To be sure, the drafting of organic laws and other administrative measures to implement the constitution create new opportunities for Thailand to pursue a determined process of inclusive dialogue. We must not confuse dialogue with negotiation, debate or political elbowing where zero-sum strategies re-enforce hostility and confrontation. Dialogue requires credible people moving to the uncomfortable middle, encouraging an alternative to exclusion and one-sidedness as not only possible, but necessary. These people must encourage increasingly diverse voices to participate in a process of listening to better understand the Thailand that Thais want to create in future, one that respects all people's rights, everywhere and at all time.

Such meaningful dialogue creates safe spaces to listen, appreciate differences and move toward a future vision of the country that truly leaves no one behind. Within these spaces, we can listen to each other deeply with intent to understand why others see things differently and, importantly, to be changed by what we learn.

Dialogue is not easy, but it is very necessary. And a constitution written and passed under conditions of non-inclusion and repression cannot achieve the longevity the country desires without a

process of dialogue. Without dialogue, Thailand's socio-political conflicts will not be resolved and the country's growing social, political and economic inequality will not be reduced. Now is not the time for the junta to put on triumphant airs or for the opposition to block conciliatory efforts, but rather for all parties to demonstrate more humility and commitment to dialogue, to listening.

For these efforts, the United Nations stands ready to support efforts for inclusive dialogue, to bring diverse Thai voices together for the better future they can create together.

## Comments on the Thai Referendum Results

*Jon Ungphakorn, Executive Director of "iLaw"*



The results of the Thai referendum on August 7<sup>th</sup> show that almost 60% of eligible voters participated, with 61% voting to approve the military junta's new draft constitution (39% voting against) and 58% agreeing to the proposal to allow junta-appointed senators to join elected representatives in choosing the Prime Minister during the first five years of the new constitution (42% disagreeing). Spoilt ballots made up 3% of the total.

While there were no indications of irregularities in the vote-counting, the referendum could not be considered either "free" or "fair" for the following reasons:

- 1) Voters were given no indication of what would happen if there was a majority vote against the draft constitution. It could only be assumed that the junta would simply draft another constitution, not necessarily more democratic in nature, and that elections would inevitably be further delayed. So there appeared to be no real choice for voters.
- 2) Voters were provided with very little factual information on the content of the draft constitution by the authorities concerned. Very few voters had access to the actual draft (although it could be downloaded online). Hard copies were provided to educational institutions and libraries but not to individual voters. Instead, each household received a pamphlet summarising the merits of the draft constitution from the point of view of the Drafting Committee.
- 3) The supplementary question was phrased in an indirect way, making it difficult to understand or interpret the full meaning of the question.
- 4) The Government assigned and trained many thousands of volunteers throughout the country to visit communities and explain only the merits of the draft constitution.
- 5) Campaigning against the draft constitution was not allowed. Under the Referendum Act of 2016 Section 61 it became illegal to make any public comment on the draft constitution of an "untruthful", "abusive", "aggressive", "obscene", "seditious", or "coercive" nature "intended to influence voters to vote one way or another, or to abstain from voting". This offence carries a

prison sentence of up to ten years. In practice anyone distributing materials to the public criticising the draft constitution was liable to be arrested, and at least 42 pro-democracy activists were arrested and charged with the offence. At the same time at least 19 public meetings to discuss the draft constitution were banned or closed down by authorities.

Despite the unfairness of the referendum campaign, the overall results of the referendum were extremely disappointing and constituted a bitter blow for democracy advocates in Thailand.

In a sense, the repressive military junta itself (called the National Council for Peace and Order, or NCPO) might seem to have been validated by the majority vote, together with the draft constitution, which gives very limited political space to elected representatives from various political parties in future governments, and which ensures that the military will have a continuing grip on political power for the foreseeable future.

"Thailand Votes By Public Referendum To Make Its Government Even Less Accountable To The People"; "Standing Up for Less Democracy"; "Thailand votes to Axe democracy"; "In a 'bizarre' referendum, Thailand votes on a hybrid democracy" – These are examples of headlines from the international press.

I personally believe that the referendum results reflect some very serious problems that remain in Thai society:

First of all, the political divide or split within Thai society between the royalist pro-establishment and the "red-shirt" anti-establishment activists and communities continues as before, but with the latter groups now weakened by mass arrests, tight controls and the escape to exile of key leaders since the military coup in 2014.

This is reflected in the referendum results in 20 northern and north-eastern provinces where there were majority votes against both the draft constitution and the supplementary question. Nevertheless, the "no" votes in these two regions were substantially less than in the comparable 2007 referendum.

With no concessions having been made by the military and the bureaucracy to either pro-democracy or "red-shirt" sectors of society, the likelihood of future political conflict and bloodshed remains high as long as a fully democratic system of government remains out of reach.

Secondly, it cannot be denied that there is now a high level of political apathy in Thailand, especially among the younger generation of eligible voters and the professional classes. This is accompanied by declining support for democratic principles and even substantial support for what the military junta has been doing. The junta's constant propaganda war against "corrupt" politicians seems to have been quite effective, paving the way for General Prayuth Chan-Ocha to remain Prime Minister even after the elections. This situation is the polar opposite of the situation in May 1992 when there was a successful mass uprising led by students, intellectuals and the business sector against attempts by General Suchinda Kraprayoon, the military strongman, to gain nomination as Prime Minister after the democratic elections that took place following the 1991 military coup.

While the future for democracy may look bleak following the referendum results, the future for



the military itself, if it takes a leading role in future governments as expected, does not look so rosy either.

Even with strong support from the bureaucracy and pro-establishment sectors of society, any future coalition government led by General Prayuth will inevitably face increasing internal conflicts and public discontent if it continues with present NCPO policies.

For a start the “anti-populist” policies of the military will inevitably result in a deterioration or dismantling of state welfare programmes, especially the extremely popular universal health insurance program introduced by exiled former prime minister Thaksin Shinawatra, the hero of the “red-shirt” movement and nemesis of the present military establishment. This will lead to widespread discontent and protests.

Secondly, present policies of evicting communities from state-owned land, and for supporting new mega projects in rural communities (such as coal-fired power plants) against local opposition will inevitable increase discontent and opposition from rural communities and their NGO supporters. In addition, the inevitable coalition government brought about by the new constitution will force the two main rival political parties to be unwilling partners in the same government and may well lead to chronic internal conflicts. Finally, unless the next government can improve the economic situation of low-income populations, there will be growing mass discontent with the government which cannot be controlled by present strong-arm methods.

In the end, further changes in government and a more democratic process of drafting a new constitution may become inevitable, and the military may find it safer to withdraw behind the scenes.

It is to be hoped that during future lessons learned about the consequences of the referendum results, there will be increasing recognition within Thai society that military government is not the right answer for a peaceful and just society and that a fully democratic system of government, despite its shortcomings, is the best system for people of different political views and economic and social interests to live together in peace.



### The Risks and Opportunities of Fragile Mandates

*James Ockey, Associate Professor and Honours Coordinator, University of Canterbury.*



On August 7, 2016, the authoritarian military government held the long promised referendum on a new constitution. Despite intensive efforts by the government to get out the vote, turnout was less than sixty percent. Although the referendum passed, with some sixty-one percent voting in favor, in all, less than thirty-four percent of eligible voters supported it, due to the low turnout. Even more alarming, from a military government point of view, the opponents outnumbered supporters in the Northeast, the most populous region of Thai-land, and in the South, where government legitimacy is a key to winning the battle against a sepa-ratist insurgency.<sup>1</sup> In addition, the leaders of both major political parties, the nearest thing to elected leaders under the coup government, made public their opposition to the draft, and immediately on passage, the courts deemed the constitution deficient, insisting on changes to a key section.<sup>2</sup> In short, while the military government may have a mandate for its constitution, it is a very fragile mandate, at best.

A fragile mandate, of course, is easily lost, putting the roadmap at risk, and potentially undermining attempts at reconciliation and at defeating the insurgency in the South. On the other hand, a fragile mandate can be preserved, even strengthened, if care is taken as the country moves along the mapped out return to democracy. Indeed, attempts to strengthen the mandate if undertaken with care, could facilitate reconciliation and improve the chances for successful democratization.

Between now and the 2017 election, the government will be writing a series of organic laws that will set important conditions for democratic institutions, including the political parties. That can be done aggressively, seeking to undermine existing political parties, their organizations and their memberships, and in the process undermining the fragile mandate. Or it can be done in cooperation with political party leaders, beginning the important process of rebuilding positive relationships with party leaders. Joint meetings between government and party leaders can also begin building reconciliation among competing parties. Consultation with local politicians and opinion leaders in any reorganization of local government would enhance cooperation and strengthen the fragile mandate at a wider level, and further encourage reconciliation. Beginning the process of strengthening cooperation, consultation, and reconciliation is crucial to developing habits that will lead to successful democratization.

Striving to strengthen the mandate is also important to civil-military relations, and to the security of Thailand. In a thesis written at the National Defense College, General Prayuth Chan-o-cha rightly

1 Bangkok Post 11 August 2016  
2 Nation 29 September 2016

noted the rising importance of “MOOTW”, military operations other than warfare, for the Thai military in an era of rapid globalization<sup>3</sup>. Such operations include counterinsurgency, development and humanitarian assistance, and disaster relief. Success in MOOTW depends on good relationships with politicians and ordinary people. Thus developing habits of cooperation also provides direct benefits to the military in carrying out future missions.

A fragile mandate presents both risk and opportunity. In a time when reconciliation is also fragile, the risk is great, with an outbreak of violence possible. Rebuilding relationships is challenging. It may be much easier to proclaim a mandate and simply proceed without consultation. In the short term, it may also be more efficient. Yet short term challenges must be undertaken to engrain the habits of consultation and cooperation necessary to maximize the chances of long term success. Stepan and Linz<sup>4</sup> argued that democracy is only consolidated when “actors in the polity become habituated to the fact that political conflict within the state will be resolved according to established norms.” Beginning that habituation process immediately will both preserve the fragile mandate and enhance the chances of a successful transition.

3 Prayut Chan-o-cha, “Kanprap botbat khong kongthap Thai phua rongrap phaikhuk khwamrupbaebmai” [Roles and Responsibilities Reform of the Royal Thai Armed Forces Against the Non-traditional Threats [sic]]. Bangkok: National Defense College, 2007

4 “Toward Consolidated Democracies,” *Journal of Democracy* 7 (April 1996), p. 160

## A view on 7 August Referendum

*Kasit Piromya, a Thai diplomat, Democrat Party politician, and former Foreign Minister of Thailand.*



The positive outcome of the 7 August national referendum on the Draft Constitution and on the additional question pertaining to the ad-hoc Senate during the first 5 years after the coming into force of the Constitution must be taken within the existing political context.

The military junta was able to provide a situation of stability after a decade of upheavals. The military leadership was perceived by the public for its dedication, hard work and selflessness. The military was also successful in creating the public perception and belief that politicians were the causes of all social ills and sources of massive corruption.

Comments and views forthcoming from political quartets were therefore perceived to be of self-serving; and outright selfish nature. There was thus no credibility to their disposition and views expressed.

The military junta held on to the banning of activities by all political parties. But even if there were to be full freedom of expression and public access, the views of political parties on the Constitution and the additional question at the end would not have had much impact or inroads into the minds and

awareness of the general public because their credibility was really lost and they had not been able to recoup the reputation and reform themselves.

With political parties neutralized, the military proceeded with quiet but extensive, nation-wide “political education” to convince the public to go along with the draft constitution and the additional question.

The turnout was satisfactory. There was no coercion, no environment of fear. The positive outcome rendered legitimacy to the ruling regime and the public hope of a better future for all.

The Thai public wanted the country to move on with the leadership and stability provided by the military at least for the next five years.

It can thus be said that the Thai people are not in a hurry to return to the situation of politics as usual and are not yet inclined to take risks with politicians again and so soon.

## Can a referendum under military rule be democratically acceptable?

*Michael H. Nelson, a Senior Research Fellow at the German-Southeast Asian Center of Excellence for Public Policy and Good Governance.*



In his standard introductory text on elections and referendums, Michael Gallagher writes that scholars “analyze the referendum as an institution within the framework of representative democracy”.<sup>1</sup> Yet, Thailand has conducted only two referendums in her history, both of which took place when military dictators were in power and wanted to “legitimize” the constitutions drafted under their tutelage. As one could expect, the first referendum in 2007, following on the coup of 2006, was neither free nor fair<sup>2</sup>. Yet, the current military rulers outperformed their predecessors by a large margin. They systematically suppressed any possibility for anti-constitution information to reach remotely significant numbers of voters. At the same time, the military government used all its powers and administrative mechanisms to propagate the virtues of the draft constitution prepared by the Constitution Drafting Committee. When a member of the formally “independent” Election Commission (EC) suggested that they could print a brochure outlining both the positive and the negative aspects of the draft, he was swiftly reprimanded. Afterwards, the EC supplied all households of voters with yet another booklet praising the draft constitution, while it failed to print and distribute the critical views produced by the New Democracy Movement, the Nitirat group of Thammasat University law lecturers, or the NGO iLaw. Therefore, *Forbes* headlining an article “Thailand’s Military Junta Rigs Constitutional Refer-

1 Gallagher, Michael. 2014. “Elections and Referendums.” In *Comparative Politics*. Third Edition, ed. by Daniele Caramani, pp. 173. Oxford: Oxford University Press.

2 Nelson, Michael H. 2011. “Looking Back Before the Election of 2011: Thailand’s Constitution Referendum and the Election of 2007.” *European-Asian Journal of Law and Governance* 1 (1):49-74.

endum”<sup>3</sup>, or *Asia Sentinel*<sup>4</sup> calling the referendum “farcical” were quite accurate assessments of the referendum procedure.

Given that this procedure bizarrely deviated from what one would normally expect from such an exercise in direct democracy, one could perhaps have assumed that the result would meet with universal rejection by all political groups in Thailand, except for the power holders, and those who voted “Yes,” obviously. Yet, this did not happen. Even prominent activists, such as Sombat Boonngamanong, were so stunned by the clear result in favor of the constitution that they rather wondered why it was so different from what they had expected. Sombat was quoted as having said, “I was astounded. ... I didn’t think it would come into effect so I hadn’t really paid attention to it. Now, I’m seriously studying the draft”<sup>5</sup>. Sombat was certainly not alone in his flawed prediction. Nirmal Gosh noted that, “Most political insiders on the eve of the election, believed the draft constitution would be narrowly rejected”<sup>6</sup>. Piyaporn Wongruang, writing in *The Nation* newspaper, then demanded that the “pro-democracy supporters” should demonstrate their democratic minds by accepting the result of a referendum that took place in the most undemocratic circumstances imposed by a military dictatorship. These “pro-democracy supporters” should respect “the vote in a spirit of tolerance”<sup>7</sup>, although this tolerance had been entirely absent during the referendum period, which saw a sustained crackdown on almost all public utterances against the draft constitution.

Pragmatic authors not suspected of having pro-coup leanings, of course, were not prepared to reject the result either. Thitinan Pongsudhirak, for example, stated that “pro-democracy” groups must heed the result, though he did also say, “This referendum was not free and fair”<sup>8</sup>. His argument in favor of accepting the result, it seemed, rested on the assumption that any substantial anti-draft campaign would have done nothing significantly to change the outcome of the referendum. This was so because the 50 million “eligible voters knew enough about what the polls stood for,” simply because they had lived under military rule for more than two years already, and thus had taken in a sufficient amount of information about what was at stake. Thus, the great majority of voters who went to the polls (in contrast to the number of eligible voters), “approve[d] a military-inspired constitution that codifies longer-term military supervision of Thai politics” (ibid.). “Thai voters are not ignorant imbeciles lacking education who cannot see and speak for themselves. Thai voters may know exactly what they are doing” (ibid.). As a “Bangkok businesswoman told *The New York Times*, ‘It is better than politicians running the country. It’s good to have the military babysitting the government for the next five years’”<sup>9</sup>

3 Bandow, Doug. 2016. “Thailand’s Military Junta Rigs Constitutional Referendum, Wins Vote for Continued Authoritarian Rule.” *Forbes*, 7 August 2016.  
4 Asia Sentinel. 2016. “Junta Wins Thailand’s Farcical Election.” 8 August 2016.  
5 Kasamakorn Chanwanpen. 2016. “Dismayed ‘Vote No’ camp takes stock and wonders what next.” *The Nation*, 18 August 2016.  
6 Gosh, Nirmal. 2016. “Revenge of the Conservatives in Thailand.” Blog, *The Straits Times*, 8 August 2016.  
7 Piyaporn Wongruang. 2016. “Political rift can be healed by faith in the road ahead.” *The Nation*, 19 August 2016.  
8 Thitinan Pongsudhirak. 2016. “Let Thai electorate be referendum winners.” *Bangkok Post*, 12 August 2016.  
9 Hutt, David. 2016. “Thailand’s Junta Cements Control as Voters Approve New Constitution.” *World Politics Review*, 9 August 2016.

In sum, among the Thai population, there currently is no active majority for a democratic form of government. What we have witnessed in the referendum vote, instead, is a conscious consolidation of authoritarian structures, an acceptance by a majority of citizens of their disempowerment, including a substantive reduction of their role as the genuine sovereign of the Thai political order. Panat Tasneeey-anond put it aptly when he spoke of a “system of elite rule with elections” (*Prachatai*, 2 March 2016). This is what the active part of the Thai voters in their majority wanted, and it is what the 2016 Constitution gives them. It is thus not an exaggeration to say that the referendum result represents a “historic defeat”<sup>10</sup> of Thai democratic political culture in general and of democratic political forces in particular.

10 Pravit Rojanaphruk. 2016. “After historic defeat, fractured opposition unlikely to challenge junta.” *Khaosod English*, 23 August 2016.

”Thailand’s Referendum Results: A Vote for (Fragile) Stability”

Prajak Kongkirati, an Assistant Professor at the Faculty of Political Science, Thammasat University, Thailand, and, Visiting Fellow with the Thailand Studies Programme at ISEAS – Yusof Ishak Institute.



On 7 August, the draft of Thailand’s 20th constitution was approved in a contentious but peaceful referendum. According to the Election Commission of Thailand 16.82 million people voted in favour of the draft while 10.60 million rejected it. The turnout was relatively low with only 59.4 per cent of eligible voters casting their ballots, compared to 57.6 per cent in the 2007 referendum and 75 per cent in the 2011 General Elections.

There are two reasons for the overwhelming vote for the draft. First, the voter turnout in the Northeast, stronghold of the Red Shirts and Pheu Thai party, was low. Many perceived the referendum to be unfree and unfair, and believed that the military would remain in power regardless of the outcome. Second, there was no splitting of votes among Democrat Party’s supporters despite Abhisit Vejjajiva’s, the opposition party leader, rejection of the draft. In essence it may be argued that the majority of Thais voted for the draft in hope of a return to normalcy and stability. The junta successfully persuaded voters that the military was needed to stabilise the country during this “transition period”. Voters also believed that the semi-authoritarian regime guided by the military would prevent the recurrence of street politics and violence that engulfed Thailand in recent years.

The referendum result not only endorses the constitution, but also shores up the Prayuth government’s legitimacy to rule. It demonstrates, among other things, that Thailand is still politically divided and reconciliation remains beyond reach. The Upper North, Northeast and the Deep South voted against the constitution while the rest of the country supported the junta-sponsored “political blueprint” which aims to entrench the power of the military and unelected elite at the expense of political



parties and the popular will of the electorate.

In all likelihood the upcoming elections, promised to take place by late 2017 or early 2018, will see an unelected Prime Minister chosen by the military to lead an unstable and weak coalition government. Political stability will depend upon the balance of power between the military and various political parties; a balance that may be all too easily lost.

### **The military's new constitution will radicalise the democracy movement**

*Dr. Oliver Pye, Department of Southeast Asian Studies, Institute of Oriental and Asian Studies, Bonn University*



The military's new constitution is a blatant attempt to perpetuate their control over Thailand's political system. Key changes compared to the 1997 "People's Constitution" are those that increase the power of unelected bodies and that legitimate coups and other interventions against an elected government. Unelected members of the Senate will in future decide on key positions in the state, including judges on the constitutional court, and officials on the anti-corruption, election and state audit commissions. This shows two things: that the military and the forces supporting them are decidedly anti-democratic and that they are scared that if they were to allow free elections, a party representing the Thaksin camp and the aspirations of the redshirt movement would win.

The referendum, on the other hand, was held in order to shore up the legitimacy of the military regime. I would argue that while the result did not factually achieve this, it has been perceived to have done so, and so has indirectly boosted the image of the regime for the time being. Thitinan Pongsudhirak, for example, takes the 60% yes vote as proof that the Thai public endorses the military's involvement in politics and that they "are tired of street protests." This comfortably ignores that there was only one opinion permitted on television, in the press and in the streets: that to vote yes would be the best for Thailand. There was no free debate, campaigning was illegal and punishable with up to ten years imprisonment. A combination of one-sided propaganda, intimidation and repression only managed to deliver 60% of a 60% turn-out – not so impressive. For those opposed to the military regime and its constitution there were three possible tactics to be taken in the referendum: vote No, boycott the referendum as illegitimate or vote Yes in the hope that a return to elections would see a return of a Thaksin-near party to power and a later reform of the constitution. In fact, only 36% of the electorate voted Yes, 24% voted No and 41% didn't vote or boycotted the referendum. If some of the Yes votes were tactical and some of the abstentions an active boycott, this would suggest that the military regime has the support of one third of the population at best.

For the pro-democracy forces and the redshirt movement, the question is now how to develop a

strategy that can be successful under the new constitution. Before the 2014 coup, there was a division of labour whereby the redshirts would be mobilised to ensure electoral victory for the Pheu Thai Party. This strategy is now dead. In the unlikely event that a new party representing the Thaksin camp would win a new election, the government would be paralysed by the military's grip over the state apparatus. The hopes of some commentators that a compromise could be reached between the two sides that would ensure a gradual return to "normal" democratic procedures have been dashed by the constitution. Back-door negotiations have led to nothing.

Strategy needs to be based on analysis, and a starting point is to depart from the modernisation model of democracy. In its contemporary form of "good governance, this starts with shopping list of bourgeois democracy: free elections without vote-buying; the state is a neutral executive of the legislative which is counter-checked by the judicative; the military should be "professional" and not get involved in politics; courts should be independent and politically neutral; the media should be independent and politically neutral etc. This is seen as the norm, to which modern states are either evolving or towards which they need to be nudged. In this model, Thailand is an aberration from this everlasting and true model of democracy. This is usually explained in cultural terms: for the right wing as a justification ("Thais love their King", "Thais don't yet understand democracy fully") or for liberal democrats as an explanation ("endemic corruption", "pre-modern continuities").

But what if Thailand is not an aberration? What can Thailand tell us about the state, the relation of democracy to economic development and class formation, about political movements, about strategy and tactics, about bourgeois democracy in general?

According to mainstream commentators, the state should be neutral. Thailand shows us that it is not. The last ten years have seen a struggle by opposing power blocks over key sections of the state: police versus military, different factions within the military, the judiciary, the fight over who controls the royal institution etc. Thaksin, starting from a position of economic power (Shin Corp) and legislative power (control of parliament and government) attempted to translate his democratic mandate into securing key positions in other parts of the state apparatus. The non-elected "network monarchy" wanted to prevent this. It is no coincidence that interventions by the monarchy and the military started or became more strident as Thaksin intervened in the promotion politics of the military itself, advancing key allies at the expense of other factions. The Thai experience shows that real democracy cannot ignore the nature of the state, nor the power of the military and the question of what to do about it.

The new constitution does not mean that a thorough democratisation of Thai society is impossible. Three major events in Thai history led to democratic reform: the 1932 revolution, the 1973 uprising and the 1992 democracy movement. In each, mass movements changed the balance of forces and so could change the political "Überbau," including the constitution. These movements were not restricted by electoral politics, but combined political aims with social demands. The democracy movement in Thailand will need to do the same again.

In the current hyper-royalist frenzy after the death of King Bhumibol, intimidation and repression,

particularly the widespread use of Lèse Majesté, will more likely than not pre-empt open political resistance for the time being. In the longer term, however, several factors suggest that a mass movement for democracy could again be successful. The first is that millions of people have developed a thirst for democracy that is directly related to demands for social reforms. Thaksin's popularity was founded on him delivering on these social aspirations, particularly the 30 Baht health scheme, credit for rural communities, the minimum wage etc. They have also learnt in practice that the state, the monarchy and the military are not neutral. Secondly, while on a high now, royalist ideology is waning. A future King Vajiralongkorn will not have the same mass appeal as his father, and looks likely to be a liability for a military regime that uses the monarchy for its legitimisation. Thirdly, Thai capital is still divided, and only one faction supports the military.

The new constitution, by precluding the electoral strategy, will radicalise the democracy movement. The movement would have to address the undemocratic nature of the state, the control of the media, corporate power and, particularly, the military. A lot will depend on the political leadership that will now emerge under conditions of military dictatorship.

### The August 7, 2016 Referendum: Legitimizing the Junta

*Paul Chambers, a visiting assistant professor of political science at the University of Oklahoma. He has spent 20 years off-and-on in Thailand both teaching and researching. His research interests focus on civil-military relations in Southeast Asia; international politics of Southeast Asia; dictatorship and democratization in the Mekong Region; and the Political Economy of Less Developed Nations*



It has become fashionable for military juntas seeking domestic and international legitimacy to use the tool of “constitutional referendum” to demonstrate that they have popular support for their prior and future actions. Examples include the referendums applied by military regimes in 2008 Myanmar and 2014 Egypt respectively, both of which legitimized a legal role for the military in politics while enhancing their powers.

Thai juntas have also utilized referendums to oxymoronically demonstrate their democratic character. In August, 2007, a military junta which had ousted a democratically elected government put forward a referendum vote on a junta-endorsed charter. With the regime refusing to allow any campaigns against the vote and many Thais unsure what exactly the charter contained, the referendum passed 57.81 percent to 42.19 percent. Junta leaders then used the referendum to legitimize the 2006 coup, given that they could argue that most Thais had accepted a constitution through referendum which the military had backed. But such reasoning was turned on its head four months later when the

pro-Thaksin People's Power Party won a landslide electoral victory.

Fast forward nine years to the August 7, 2016 charter referendum. For months prior to the vote, the National Council for Peace and Order (NCPO) junta led a one-sided campaign indirectly in favor of the constitutional draft. Demonstrating draft opponents were invited to “attitude adjustment” or simply jailed. Contrary to junta pundits, there were in fact allegations of referendum vote buying. However, such claims were not investigated given that the junta refused to allow any independent election monitor. In the end, on the day of the referendum, many Thais who voted “yes” simply wanted a return to democracy no matter how defective it would be. The outcome saw the referendum pass slightly higher than the 2007 percentage: 61.35% to 38.65%. On the question of whether a non-elected Prime Minister could be selected by parliament (inserted into the referendum ballot at the last minute), 58.07 percent of votes were in the affirmative as opposed to 41.93%.

Since the referendum, many academics and journalists (domestic and international) have claimed that the vote shows that the junta must indeed have acquired popular support and that perhaps many Thais who once supported Thaksin and Yingluck Shinawatra no longer do so. But these are mere guesses substantiated only by and based upon the adequacy of a junta-directed referendum with no independent monitoring whatsoever. Indeed, civil society groups who reluctantly agree with the referendum's results do Thai democracy a disservice by refusing to demand a review of the vote by an independent agency or ignoring that this was a military junta which went all out against the constitutional draft's opponents prior to the August referendum.

As for the 2016 referendum's consequences for Thai democracy in the future, it will assuredly give legitimacy to a leading opponent of pluralism, Thailand's coup-happy military. As with the 2007 referendum, the 2016 referendum appears to vindicate the 2014 military coup in retrospect and, since the new constitutional draft enhances military prerogatives, it facilitates the entrenching of the military across Thai politics for years to come.

Ultimately, Thailand's 2016 military-implemented referendum joins its earlier 2007 referendum and the referendums in Myanmar and Egypt as strategies designed to use voting by the people to both condone military seizures of power and also camouflage the extension of military incursions across democracy. The message is clear: Thailand's military intends to stay in the spotlight of Thai politics.



## Whither Rights?

*Tyrell Haberkorn, a Fellow in Political and Social Change at the Australian National University.*



On 7 August 2016, the constitution drafted by the Constitution Drafting Committee (CDC) appointed by the National Council for Peace and Order (NCPO) was passed in a referendum vote in which approximately 60% of the electorate voted. Although the voting on the day appeared to take place without overt interference by the junta, the stringent prohibition on civilian debate on the lengthy and complicated draft, which has 279 sections, means that the referendum cannot be understood as free and fair. The prohibition was enforced by a series of arrests of student activists, journalists and human rights defenders who dared to try to make the content of the constitution accessible, distribute flyers or hold events for citizens to exchange ideas about the draft.

But why wouldn't the CDC and the NCPO want citizens to talk about the constitution? If, as General Prayuth claims, the new constitution is the first step on the path back to democracy, wouldn't public participation be of value?

There are perhaps many reasons why not, but one key reason is that this constitution is an instrument that rather than protecting the rights of citizens, provides a legal and constitutional gloss under which they can be stripped away. Dispossession of rights is woven across many of the articles, but the most important is in the final section of the constitution. Article 279 stipulates that

“All announcements, orders and acts, including the performance of the National Council for Peace and Order or of the Head of the National Council for Peace and Order already in force prior to the date of promulgation of this Constitution or will come into force in accordance with Section 265 Paragraph Two, irrespective of their constitutional, legislative, executive or judicial force, shall be considered constitutional and lawful and shall continue to be in force under this Constitution. Repeal or amendment of such any announcement or order shall be made by an Act, except in case of the announcements or orders of the exercise of executive power in nature, the repeal or amendment shall be made by an order of the Prime Minister or a resolution of the Council of Ministers, as the case may be.”

In other words, the Orders and Announcements of the NCPO issued under martial law and the Orders of the Head of the NCPO issued under Article 44 of the 2014 Interim Constitution remain in place. These measures variously allow for arbitrary detention, trial of civilians in military courts, the establishment of secret prisons inside military bases, forced evictions and many other kinds of rights violations. They were issued at the executive discretion of General Prayuth and other members of the NCPO, and with the passage of the new constitution, they both remain in force and have been given an additional layer of legality and constitutionality.

What effect does the retention of orders drafted, debated and promulgated by a military junta have on

the prospects of democracy? What does the retention of these orders do to the rights provisions present in the constitution? Do such orders have any place in a democracy? And if the answer is no, then is the constitution really a step on the path towards democracy, or merely one more way in which the NCPO aims to hold onto dictatorial power?

Avoiding these questions is precisely what the NCPO needed to prevent in the lead up to the referendum. This is not because they worried about the constitution draft not being passed, but because these questions go much deeper to the very legitimacy of the regime, or the lack thereof.





# INTERVIEW

## Interview with Mr. Shiori Tamura, Lecturer at the Faculty of Law at Thammasat University



**Q: Mr. Tamura, can you tell us something about your personal career?**

*I studied law at Tohoku University in Sendai/Japan and Sociology at Chuo University in Tokyo/Japan. After that, I completed my Master course at Waseda University in Tokyo/Japan. The main focus of my Master's thesis was on modern German philosophy of law. Therein, I have made the conceptual difference between "historicity of law" by Hans-Georg Gadamer and by Arthur Kaufmann a subject of discussion. After that, I have tried to continue my research in philosophy of law in Germany. I went to university in Marburg and wanted to graduate in that subject. But my thoughts were not yet mature enough, and I started teaching Japanese as a lecturer. There, I got to know Prof. Jens Rickmeyer and his theory of "Morphosyntax". Those new experiences significantly influenced my interests. I became more interested in practical acquisition-competence of communication skills, rather than in the abstract, philosophical reflections about it.*

*In 1990, I applied for a job at the University of Hannover and was successful there, so I gave up my studies in Marburg. My new task evolved around legal and economic technical language in Japanese. I was teaching at the technical language centre at the University of Hannover until 1993.*

*One year later, in 1994, I came to Thailand. I started to work here as a language teacher at the Centre of Liberal Arts. In 2003, I switched from the Centre of Liberal Arts to the Faculty of Law where I am still working.*

**Q: What was the reason for you to research the development of the Thai Civil and Commercial Code?**

*It started before I came to Thailand. Some friends told me, that the Thai civil law was adopted from the Japanese civil law. But they were no legal experts so they could not tell me the details. I noticed, that the structure of the Thai civil code is the same as the structure of the German civil code (BGB). The third part, however, consists of contract types and trade types as is the case in the Swiss civil code. The opinion of Thai legal experts is, that the Thai civil law was mainly adopted from German civil law, but I was not sure. I wanted to know whether it is built upon Japanese or German law, or whether it is entirely independent.*

**Q: How long do you work on this project?**

*I cannot remember when I started that project, but I think it was around 1998. At that time, I began to translate the current version of the Thai civil and commercial code. At the beginning, that was before I came to the Faculty of Law, I did my translations after finishing work. But I still have not finished it. Currently, I work on the translation of the third part, which consists of more than 1.000 paragraphs. So there is still much work ahead. At the moment, I do not have much time for it. So I am not sure if I can finish it, but I still go on in my free time. I try to translate as much as I can.*

**Q: How did you proceed with your research?**

*The beginning was very difficult. The Thai text is written in a very old style, which deviates significantly from modern Thai. Therefore, I developed a method to analyse the syntax of the Thai legal text. This was an important task for without this knowledge it is impossible to translate correctly. There are already several translations in Japanese, but they are based on the English version. This double translation is not authentic. The Thai draft was in English, thus fairly reliable. A double translation however is inadvisable. This technique is called dependence-structure analysis, but it is not practised anymore and by today's standards very old-fashioned. Computer engineers still use it for automatic language translations though. Thus, at the beginning, I translated the legal texts into German and Japanese and compared both with these legal texts. Later I discovered that large parts of Book I were modernised in 1992, but Book II and III are still in the original version. After that, I researched books about the history of Thai law, which I read to compare everything more precisely. At this time, I learned that the original version was adopted in 1925 (first part), so the style of speech really differs.*

*The second step was to translate the original version. This is why I have three different versions: the current one (1992), the original one (1925) and the draft (1923). I was wondering about the author of the original version. These are all great topics in the history of the Thai civil law Code.*

*I created a graph about which paragraphs from the old version have been used. Afterwards, I noted what I believed to be the origin of them. A precise comparison has to be made with the original version where the exact source of law can be identified. Since there are no documented sources however, one can never be absolutely sure.*

**Q: Which problems did you need to deal with, how did you solve them?**

*There have been many problems. For instance, I am no specialist in French law. I cannot read the French original text and was forced to use an English translation. The translation of the first Thai version was also very difficult because an old language was used. I had a lot of problems translating it properly, especially because many words could not be found in a dictionary.*

**Q: Can you roughly summarize your research work?**

*I found documents about the development of the first version of the Thai Civil Code. In 1891, a Belgian legal expert, Gustave Rolin-Jaquemyns, was invited and hired by the Siamese Government and began to work there as a legal advisor. Six years later, the Japanese government sent another legal advisor, Tokichi Masao, to Siam, who was hired as secretary at Siam's foreign ministry. In the beginning he worked as Rolin-Jaquemyns' employee. But Rolin-Jaquemyns returned to Belgium and Masao took over his job and was also involved in the criminal law codification project. In 1905 a French legal expert, Georges Padoux, obtained the appointment as legal advisor. In the following years, more French legal experts joined him. The reason is, that it was said, that the Thai law would be accepted, if it would be based on European law. You must know, that the Japanese civil law is almost a simplified German civil law. The first version of Jap-*

*anese law was written by a French lawyer. That is why the French inheritance still remains. A large part of the Japanese civil law is taken from French law, but parts of German law were included too. Accordingly, Thailand could draft its own law but the French draft was taken almost completely.*

*But those documents are only related to the development of Book I. There is no description of the origin of Book II, III and IV. Even the Thai jurists do not know about the background. But it eventually became clear, that it was taken from the French. Book I and II were written completely new. But Book III and IV remained about the same, as the French had drafted it.*

*To understand my following explanations, you must know that there is a remarkable common feature between the Civil and Commercial Code of Thailand (1925) and the Japanese Civil Code (1896, 98). In both countries, the initial attempt of the codification was carried out by French legal advisors, and after they failed to achieve their goal, the second attempt of codification could be accomplished by lawyers from within the nation in each country. It is also common to both cases, that the accomplished codification stood under strong influence of the German Civil Code (1900).*

*In the case of the Japanese Civil Code, however, the initial attempt by the French legal scholar Prof. Gustave Emile Boissonade (1825 – 1910), namely the so-called “Old Civil Code of Japan (1890)”, left its traces and vestiges in many articles of the current Civil Code of Japan. We call them “Boissonade's Heritage”.*

*In the case of the Civil and Commercial Code of Thailand, the initial attempt by the several French legal advisors could not be carried out completely. Soon after the first two books of the whole code were promulgated in 1923 (so-called “Old Text”), they had to be replaced with the new ones (so-called “New Text”). In the second attempt, the leading author used the Japanese Civil Code as “navigator” for the reception of the German Civil Code according to the advice of a famous English lawyer and politician, Sir John Simon. Due to these complicated circumstances, it was not clearly recognizable how intensive the Japanese influence upon the Thai Code was and in what kind of relation the Japanese element stood to the German one in the Thai Code.*

*An overwhelming majority of the articles in Book I (1925) seems to be adopted from the “Old Text”, which was compiled by the French advisors. The second large element were the articles which were adopted from the Japanese civil law. The German element in Book I was unexpectedly small, only about half of the Japanese one. In the case of the total 259 articles in Book II however, the result is quite different from the case of Book I: The Japanese and German elements were dominant (together almost 75 %), while most articles from the “Old Text” (merely 12 %) could be found mainly in the parts of “Undue Enrichment” and “Unlawful Acts (Tort)”. The simple arithmetic sums of these numbers would tempt us to say that the Japanese elements (161/452) were the largest ones in comparison to the elements from the “Old Text” (109/452) and the German elements (118/452). However, we must not forget the fact mentioned before, namely the fact that the Japanese Civil Code consisted mainly of the French element (“Boissonade's Heritage”) and the German element. We have therefore to separate “Boissonade's Heritage” and the German element inside of the Japanese element in Book I and II. Again, according to the simple arithmetic sums of the numbers above, the largest element in Book I and II would be the German one (171/452) while the element from the “Old Text” (109/452) would fall into second place. Among the articles from the Japanese law (160), the “Boissonade's Heritage” (87/160) is superior to the German element (54/160). If we would be allowed to*

count both of the articles from “Old Text” and “Boissonade’s Heritage” to the French element and count the Swiss element to the German one, then the total French element (202/452) would exceed the German one (193/452).

So regarding Book I of the recent version, most elements were taken from the first version, so by the French. In Book II, not much was taken from the first version with the exception of tort law. Most paragraphs concerning torts were taken from Japanese law. But if you break down Japanese law into German and French elements, you come to a different conclusion. In the first book it was nearly equal German and French parts. In the second book you can find much of the Japanese civil code, in terms of retention and preferential right. These paragraphs are not part of the German civil code (BGB), but part of the German civil procedure law (ZPO). This part was taken almost unmodified into Thai law. But if you add the German and French elements together, they are about the same.

**Q: What is the fascination with this particular subject, that you research the development of the Thai civil law for such a long time?**

*I really want to know what lies is behind it. The facts. Sometimes it seems pretty simple. For example, in the law of failed performance (Leistungsstoerungsrecht). At first, it looks like most paragraphs are taken from German civil law. But this is a mistake. If one looks closer, it emerges that the order is completely different. That is a mystery! I tried to reconstruct how the order was established. Only three Japanese paragraphs were taken, but their order is correct. This means that single paragraphs were taken from the German law but rearranged according to the Japanese concept. And that is only one fascinating finding!*

**Q: Which further questions arose during your research?**

*I searched for materials about the development of the original version of the Thai civil code and found some interesting books. One of them is a book about the history of the civil and commercial law. I read that a previous version of Book I and II passed in 1923 and one of Book III in 1924. They were replaced in 1925 and 1928 respectively. But why? The answer can be found in those documents. As I already mentioned, Dr. Masao and Rolin-Jaequemens were legal advisors for the Siam government at the beginning of the last century. They worked on the criminal law codification project. After the withdrawal of Rolin-Jaquemens, the French government sent Mr. Georges Padoux, also a legal expert, to Thailand in 1905 and forced the government to include him in this. The French had taken on the task of creating legislation. First, Masao worked as a judge but he was also involved in discussions of the committee and worked together with the French. In 1908 the Siam Criminal Code was passed. After that, a codification committee was built with Padoux as its chairman. The most important task was the drafting of a Civil Code. Masao also participated in the meetings. They decided to integrate the civil and commercial law in one code.*

*In 1912, the first draft of the law of obligations (about 1.000 paragraphs) was finished. After that, the committee started with the discussion about the law of persons. Here, I found a controversy about the topic of polygamy between the Japanese and French. As a result, Masao quit his job and Padoux left for China. In 1919 the work was finished and given to the Thai government. But the work was not accepted. We do not*

*know what happened, because there are no official documents. The Thai government concealed it.*

*Plod Vichian drafted the first and second version. He was a translator and interpreter at the codification committee in 1909. He studied English, but was not a legal expert. He noticed that he needed a legal education, so that he knew what he was translating. He asked Prince Rapee, a son of Rama V and minister of justice at that time, who often came to the committee and discussed with the French. Prince Rapee noticed that Plod is very capable and allowed him to visit law school (predecessor of Thammasat University). Plod studied there for two years and after that time, he was hired as a judge. But Prince Rapee still had another idea: He wanted to send Plod Vichian to England for further education. He himself had studied there. He asked his former supervisor Sir John Simon to become Plod Vichian’s supervisor also. When Plod Vichian went to England, he carried the draft with him and showed it to Sir Simon. He expressed that the draft is not recommended to become law as the French tried to expand their own system and this would not be accepted by the other European countries. He proposed to use an established system, which would surely be accepted, like the Japanese law, which- again- is simplified German civil law (BGB). Thailand could create its own law, based on that model. Because of this, Plod Vichian started studying Japanese law. After World War I made it impossible for him to go to Germany, he went back to Thailand in 1916.*

*In 1917, he was send to the codification committee again. That time, he held a higher position. He was supposed to translate the English draft into Thai and at that time, he started introducing his own ideas to the project. He argued the draft is not logical, has a lot of systematic problems and all in all is a disturbance to the Thai system. That statement unsettled the Thai government. At the End, Plod Vichian proposed to make a new draft, based on the Japanese model, which was accepted in the end.*

*In 1922 he became an ordinary member of the committee and was not just a translator any longer. He started with the revision of the French draft. But in my opinion, he started earlier with that work, because two years until its passing are hardly enough time so I really think he must have started earlier with the revision. I believe he just put on a necessary show. The government passed the draft of Book I but it never came into force as the judges argued with its inapplicability in court. The Thai government then had a reason for its revision. The same happened with Book II: it came into force in 1924 but was replaced in 1928. As for Book III and IV, the French draft was adopted almost unchanged.*

*So in a nutshell, Book I and II were rewritten according to the idea of Plod Vichian, whereas Book III and IV are still like the French had drafted it.*

**Thank you very much for the Interview, Mr. Tamura.**

The interview was conducted by Sandra Blechschmidt, Legal Clerk at CPG.



## Seni Pramoj Advocates & Solicitors

The law office “Seni Pramoj Advocates & Solicitors” is located on the first floor at 10 Ratchadamnoen Klang Road, Khwaeng Bavornniwet, in the district of Khet Phra Nakhon, which is in the centre of Bangkok. It is within walking distance from the famous Grand Palace, Thammasat University and Sanam Luang.



The law firm was founded by Seni Pramoj and Phraya Auttagareenipont shortly after the Second World War in 1946.

Seni Pramoj was of great importance to the modern state of Thailand. Besides being a former diplomat who is credited with preventing the United States from attacking Thailand during World War II, Seni Pramoj served three short terms as Thailand’s Prime Minister. Later he was a professor at the Faculty of Law at Thammasat University and Chulalongkorn University as well as at the Thai Bar Association under the Royal Patronage. He is also known for writing textbooks on law, on English and Thai literature as well as a book on golfing.



The present law firm’s head, Mr. Bundit, kindly agreed to an interview about the history of the law firm and as well some insights about his relation to Seni Pramoj.

Mr. Bundit joined the law firm as a legal intern after completing his studies at the Faculty of Law at Thammasat University in 1965 and has been working there to the present day. These days however, he has stopped working cases because of his

age. Nonetheless, he is still around in the office and advises his younger colleagues. The only exception regarding his retirement is that he remains the personal lawyer of former Prime Minister, Abhisit Vejjajiva.

During the early years of his career, he had various opportunities to conduct lawsuits closely with Seni Pramoj, the person he admired as a teacher as well as one of the most faithful lawyers in the country. After working in the law firm for ten years, he succeeded Seni Pramoj as the head of the firm in 1975 when Khun Seni accepted the position as Prime Minister for the third time in his political career. Although being forced to resign as Prime Minister after the Thammasat University massacre on



October 6th 1976, Khun Seni did not take on any more case. Nevertheless, he remained active in the law firm as an advisor until his retirement.

Being asked about the working habit of Seni Pramoj, and whether there was a legacy passed on by him in terms of a corporate culture to the present day, Mr. Bundit pointed out that Khun Seni was a man of very high moral standards. For instance, whenever Khun Seni received fees, he always insisted that it had to be recorded into the account books in order to pay the exact amount of taxes in accordance with the law. This applied even to his birthday parties where some of his guests gave him gold, jewelry and money. He insisted on taking those presents into account in order to pay taxes on them as well. Regarding his legacy, there are two types of cases that the law firm has not been accepting since the time of Seni Pramoj: Seni Pramoj does not take Drug or Corruption Cases. Mr. Bundit emphasized that since its foundation, the firm adheres to a sound moral standard and has never deviated from that.

Mr. Bundit added that one of the most remarkable cases of his life was the last case which he handled together with Seni Pramoj. In this case in 1975 their client, a German company, sued a Thai company regarding the construction of a warship. It was such a difficult case, that the president of the civil court at the time called junior judges to observe the case. Seni Pramoj could only attend four oral hearings before the court before he was appointed Prime Minister. Despite his absence, Mr. Bundit fought the case, winning all instances, including the last instance to the Supreme Court.

Other landmark cases of his career were a series of political cases in 2007 and 2010 including the political case against Abhisit Vejjajiva, the abolishment of the Democrat Party case, and the defamation case against former Prime Minister Samak Sundaravej.

After the interview Mr. Bundit showed us around and told us about some pictures of Seni Pramoj, which can be seen almost everywhere around the office.

The interview was conducted by CPG stagiaire Tawan Rattanaprapaporn and CPG legal clerk Deniz Kuruloglu.

## Interview with Dr. Mark Capaldi (ECPAT International), Head of Research and Policy

**Q: Could you explain the procedures of your work for ECPAT in general, your goals and potential challenges?**

*Research on children involved in commercial sexual exploitation is a highly sensitive topic of a hidden population. Therefore, all the procedures of my work for ECPAT are performed under the guidelines of strong ethical principles.*

*When performing research and authoring reports on this kind of issues, it's essential to define a priori the key issues to focus on. Pulling together information from a number of different sources could be difficult and tricky, especially in a sector where quantitative and qualitative data is scarce. Focusing on fewer sources could be easier but less comprehensive. Circumscribing the specific information needed is the only way, in my opinion, to provide accuracy, quality, and above all effectiveness to ECPAT's reports, studies and publications, which is obviously my ultimate goal.*



**Q: Could you give us an example of a project and tell us about problems that may occur?**

*ECPAT International's biggest and more long-lasting project is, without a doubt, the production of Country Monitoring Reports (CMRs) which examine the status of action in a country against the commercial sexual exploitation of children.*

*Following the First World Congress Against the Commercial Sexual Exploitation of Children which was held in Sweden in 1996, ECPAT took up the challenge of monitoring the commitments of States to the Stockholm Agenda for Action and disseminating information on the progress of the Agenda for Action. Over the past decade, ECPAT has produced over 150 first, second and third edition CMRs on CSEC. CMRs provide a comprehensive baseline of information on all manifestations of CSEC in a country and an assessment of achievements and challenges in implementing counteractions (including the participation of children themselves) to eliminate CSEC. CMRs have also been submitted to the Committee on the Rights of the Child (part of the UN Human Rights Council) when conducting their national reviews.*

*Our approach to research for CMRs is based on a primary glance to the "appearance" of the legal and social systems involved in order to understand their peculiarities and differences. Then we focus on the primary sources of law, with a particular attention to jurisprudence and recent case law. Subsequently we search quantitative and qualitative data related to the actual implementation of rules within the countries in order to rough out the strengths and the weakness of the systems taken into account.*

*The main problems that may occur during the drafting of these resources are the lack of reliable information and data and, of course, the language and cultural related issues. Luckily ECPAT, thanks to its broad network of local ECPAT member groups, knows how to take into account the peculiarities of the specific legal system as well as the social substratum. For this reason, our reports are enriched by on the ground information crammed with a deeper analysis of the strengths and weaknesses of national legislation and case law related to children's rights and living conditions.*

**Q: To what extent is the governance and the current law already supporting your work and what improvements would you hope for?**

*According to international and regional human rights instruments, States are the primary duty-bearers in regards to children's rights. This means that they have particular obligations and responsibilities to ensure that children fully enjoy their rights. One of the most effective means that Governments have to guarantee a specific and special protection to this vulnerable category is an extensive child-focused legislation. Therefore, from a legislative perspective, the most relevant step that States took - and should take - to support ECPAT's work, goals and mission is providing laws and regulations which are in compliance with the UN Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography to the CRC.*

*Narrowing down the discussion to Governments' contribution to ECPAT's research efforts, I would say that increasing accessibility to national gender and age-disaggregated databases as well as national courts' case law could be the most effective way to support my team's work and implement a strong and dynamic collaboration among Governments and our network of NGOs.*

**Q: Can you tell us about your personal career and how you came to ECPAT?**

*My first two academic qualifications are in agriculture and I studied to be a farmer! However, after I volunteered as a young man in Africa as an agriculture advisor I realised that I wanted to focus on humanitarian and development work overseas.*

*My first big job brought me to Southeast Asia and 25 years later I'm still here. Over the years I have moved away from purely agriculture related projects to community development, child rights programming and also into organisational management. Over the last two decades, much of my work was with child-led organizations on issues such as street children and working children, children in conflict with the law, on violence and abuse against children and addressing the vulnerability of children of internally displaced persons and as child migrants. Much of this work has been with international organisations such as Concern Worldwide, PACT Inc., Save the Children UK and over the last decade with ECPAT International. I was particularly drawn to ECPAT International as it is a grassroots advocacy organisation made up of local civil society organisations. It has a very clear mandate to eliminate one of the worst forms of violations of children's rights.*

## Interview with H.E. Nongnuth Phetcharatana, former Thai Ambassador to Germany

*Former Thai Ambassador to Germany and Austria, H.E. Nongnuth Phetcharatana has been serving in the Foreign Ministry of Thailand since 1983. Over the past 33 years, she served in several Thai embassies based in Budapest (1989-1992) and Washington D.C. (1999-2003). She was also the Director-General of the Department of American and South Pacific Affairs for six years (2004-2009). After that, she became an Ambassador in Vienna and later in Berlin (2012-2016). She is currently working in the Devawongse Varoprakarn Institute, institute for training diplomatic officials.*



### **Q: Excellency, could you explain about your current position at the Ministry of Foreign Affairs?**

*My current position is an ambassador attached to the foreign ministry. I oversee Dewavongse Varoprakarn Institute, which is an academic training institute for Thai diplomats. We provide training courses for all level of foreign service officials starting from recruitment to head of mission and prospective ambassadors. We have to ensure that our diplomats are capable and competent amid the changing world circumstanced and globalized issues. Apart from that, I have been assigned to cover some other issues including representing the foreign ministry to attend international conferences.*

### **Q: Could you tell us about your career and how you became a diplomat?**

*Oh, that's a long time ago. I'm going to retire next year (\*laughing\*). It has been a very long road. My field of study is the political science with a minor in international relations. Although, before being recruited for the foreign ministry, I worked for one year as a reporter at the Bangkok Post newspaper, which was quite challenging and a good starting point for me. Afterwards, I just followed a normal path in this career as I found myself enjoying working in international affairs. Once you are in this field, the first few years will tell you whether you will like it or if you are able to excel on this path. Diplomats have to adapt and always be up-to-date on current affairs in order to face various challenging situations. In a diplomatic career, you have to travel throughout your career. Moreover, the work tasks also require you to be a hard-working person. For example, if you work for the Thai foreign ministry, particularly as a junior official, you won't find yourself in a fixed time job like in other government agencies. In contrast, it is sometimes necessary to stay over work hours or also doing a shift during the weekend. Thus, your own private and family time have to be adjusted and may also have to be limited. Those facts can tell you, whether you like the job or not. I think that only those who really admire this job can stay in this situation, which definitely is the case for me. Once you have arranged yourself with these surrounding conditions, you begin to enjoy and love it. This is also the reason why I rarely think "Oh, I'm so tired", whenever I face a heavy workload. Therefore, for future students who like to pursue this career, they have to know their own character and whether they like the job*

*of this kind or not.*

### **Q: Does this equally apply to other professions? For example, if you want to become a lawyer, you also have to figure out whether the job suits you or not.**

*Being a diplomat, you have more chances to meet new people every day. Like when you walk into a social reception, you meet bystanders you never met before. You cannot be there drinking without having a conversation with anybody. You need to have the courage of making friends and getting to know other people. In the meantime, since it is impossible to socialize all the time, you also need to make good conversation and know when it is the right time for it. This is what I call "diplomatic skill". This skill sometimes can be build up and trained. That is why we established this institute. Once you graduated in international relations, you might have obtained some theoretical knowledge. Nevertheless, diplomatic skills require lots of practical experiences as well as specific training.*

### **Q: What is your most important goal as an ambassador?**

*I served as an ambassador in two countries, Austria and Germany. In general, an ambassador represents His Majesty the King, the country as well as the Thai people. Our primary goal is to promote the relations with the host countries. If there are countries we have some problems with or facing specific obstacles, we try to find solutions in order to improve the relations. That is why we have to differentiate between the terms of "cooperation" and "relations". Relation is broad general term. Cooperation is concrete action with instant benefits. Following from this, the cooperation has to go together with a relation, and when we speak about promoting relations, you also have to look at the results. For example, Germany is well-developed in terms of technology. It is an important trading partner and potential investor for Thailand. Germany is also strong in scientific education, especially in the field of renewable energies. This is an area that Thailand is particularly interested in. Hence, we looked at the good parts here and best practices relevant for both our countries. We tried to promote co-operation in an equal partnership. In fact, we have a high demand for apprenticed and skilled workers, which cannot succeed without training. Thus, we tried to adopt best-practices from Germany into our system in terms of arranging practical learning in Thai vocational schools and vocational colleges. Moreover, we contacted some German businesses in order to promote partnerships with schools so that internships and the transfer of knowledge can be improved. The Ministry of Foreign Affairs promoted this cooperation by allocating budget for Royal Thai Embassy, Berlin to commission German experts and teachers to advise the schools in Thailand. For the past 3-4 years, we have sent 14 experts to more than 10 Thai vocational schools and colleges. We arranged two training courses in Germany for approx 50 teachers from Thai vocational colleges to learn about Germany's curriculum for practical learning mainly in engineering and mechatronic. Many Thai vocational colleges started establishing contacts with German or other private companies for internship placement. This is an example of what we call "co-operation" between our two nations.*

*In the meantime, we can also offer our own experiences regarding the development plan initiated by His Majesty King Bhumibol called the Sufficiency Economy Philosophy (SEP), which has been practiced in*

Thailand for several decades. Despite the fact that it might be relatively unknown to a lot of people outside Thailand, here you can see more than 2,000 royal projects including the successful Crop Substitution Project from the 1960s in Chiang Mai and Chiang Rai. The project came from the King's initiative aiming to persuade the hill tribe people to grow economic crop plants instead of growing opium. We have worked with GIZ (Deutsche Gesellschaft Internationale Zusammenarbeit) through the framework of UNODC in Vienna in sharing good practices from the Royal Project Foundation and Doitung Development Project with third countries.

**Q: What was the hardest challenge in your field of activity?**

*It is hard for me to figure out which specific task was the hardest one to face. The work that we have done includes both opportunities and challenges. If there are challenges, we just work out solutions. Different tasks have certain points to tackle. But this doesn't mean I can always achieve a solution. Perhaps, the hardest one is to work in a situation that I do not see a light at the end of the tunnel or trying to make the impossible task possible.*

**Q: Can you remember the moment of your career which you enjoyed most during your stay in Germany? And how would you describe your collaboration with the German officials?**

*We had fruitful cooperation with Germany in many areas of mutual interest i.e. vocational education, renewable energy, science and technology, green economy, environment, etc. Germany is known for efficiency, well-organized and hard-working. The German officials are doing a professional job while keeping their promises and therefore are very reliable. These character traits were very helpful for my daily routine and made it much easier for our embassy to plan and operate projects and organize various activities. They are punctual, as we all know, and deliver on time.*

*What also made me happy was every single moment when I got the chance to organize successful events appealing to and involving a lot of ordinary Germans from all sectors, not only government but also business and society, to promote Thailand and the mutual understanding of both countries and their peoples. Being able to reach the German people and catch their interest of getting to know more about the Thai culture was very special for me. These moments also differ a lot from my daily political and diplomatic work as an ambassador. In the last four years, several Thai cultural and musical performances have been staged in Berlin and several other German cities. They included concerts of Thai youth and professional orchestras, Thai chorus, military symphonic band, and many others. Each show was attended by more than 500 people to watch, listen and enjoy. In my opinion, these moments were very important because the Thai musicians got the chance to prove and illustrate how talented they are. It created a special and magical situation of common feeling and sharing impressions on both sides, Thai and German. It is a win-win activity that promotes people to people understanding. Many Thai musicians and chorus singers performed His Majesty King Bhumibol's music composition. Very few of the locals, particularly of the younger generation, know that King Bhumibol was a brilliant composer of jazz music. For many years, Thai music experts have transformed those jazz pieces into orchestral work. We were fond of being able to share beautiful oriental*

*music in a Western setting. We called it "The East meets the West".*

*A few years ago, we organized two events at Preußen Park in Berlin in the summer. During these moments, there was real interaction between the Thai and German community. The Germans enjoyed the Thai performance and the Thai community, which consists of more than 50,000 people living in Germany, was very proud of that event. For them, it is a great pride of being Thai. In conclusion, bringing together thousands of Germans to events and arouse their interest in Thai culture and Thai music talent made me happy.*

**Q: How did you find living in Berlin in comparison to the daily life in Bangkok? What did you miss about Thailand when you were in Germany and what did you appreciate about the German culture?**

*During my stay in Berlin I really missed the atmosphere in Bangkok including my family and friends. The weather in Thailand is pretty hot most of the time, but I missed the climate during the cold and dark winter in Germany. On the other hand, now that I returned to Bangkok, I miss the performance of the Berlin Philharmonic Orchestra. I also miss the opportunity of having a nice walk or bike through the parks of Berlin. I really enjoyed the green areas in my neighbourhood in Berlin. Over there, you can always find some place to relax, which is not too far away from your home. In terms of food, I can say that I really miss "Schweinshaxe" from my favourite local restaurant in Berlin.*

**Q: What advice would you give anybody from Thailand who seeks to work or study in Germany?**

*I always advise Thai students to consider studying for a bachelor or master degree in Germany. For bachelor degree, students are required to be able to speak German properly, because the subjects are regularly taught in German. It is quite a challenge for them because the German language is difficult to learn for Thai people. Though, I would like to encourage them to try, since there are a lot of cases of successful Thai students who graduated from German universities. I always emphasized the advantages of studying in Germany. For example, Germany is a leading country in sciences, in particular in new technologies, law, economics and social sciences. The cost of living is also affordable in comparison to other Western countries with a similar level of development. Higher education in Germany has been known for quality in almost all universities and Fachhochschule ( university of applied science). Moreover, a lot of student scholarships are available. Some programs are taught in English as well. However, Thai students do not know much about opportunities to further their studies for higher education in Germany. Also, I would like to advise the students to make sure they know basic German. This applies irrespective of whether their study courses are taught in English or in German. If they are not already set up, they have to become familiar with the language in order to be able to communicate for daily matters. Even if they do not consider learning German as mandatory for their studies, it is definitely not a waste of time. Instead it is helpful for their future career. It is also a great opportunity for them to learn from German society and adapt such characteristic traits like being well-organized, efficient and well-structured.*



**Q: Since you mentioned that it is quite hard to get into German education, what improvement could there be for Thai students?**

*One widespread issue is that Thai students are quite afraid of learning German. The reason for this is that they begin learning it very late. To improve this situation, we are trying to promote teaching German at the secondary level. Several schools provide that already, but we still lack capacities of teachers in German languages. In Germany, the German Federal Ministry for Economic Cooperation and Development (Bundesministerium für wirtschaftliche Zusammenarbeit) has established a program in cooperation with Goethe Institut to provide teachers in German language and train teachers for the schools in other countries. In contrast, a lot of schools in India and China provided German language courses at a young age. In Thailand, it is still in progress. Although, in Thailand, the number of teachers being trained is still not high enough to meet the demand. There are only a few secondary schools providing German courses. If several schools can provide German courses at that age, students would be confident enough to follow up on the language to university level. Despite the fact that most of the courses are still taught in German, there are some Bachelor's degree courses that are taught in English. But there are not many and this is not well known among Thai students. Thus, it is a challenge to let them know that there are good chances for them, even if their German skills are not very advanced. Besides, there are some bilingual courses also. Regarding Master and PhD degrees, there are many English-speaking courses provided by a lot of German universities. Many people are not aware of this opportunity. So this is a task the universities have to face and provide a better flow of information. But, just to let you know that during the past years, 2012 until 2014, we had more than one hundred government-sponsored scholarship students and exchange fellowships from Thailand in Germany. More than fifty percent of them were studying mathematics, sciences, engineering, technology and environment. Some of these students are still studying. Most of these students graduated here at the level of prep school (pre-university). They studied German language for six months here in Thailand at Goethe Institut. They continued to study by having six months intensive German language course in Germany provided by Goethe Institut as well. Finally, the students have to pass an exam to be qualified to apply at a German university. Thereafter, they attend another one-year pre-university program. Once they are admitted, they have another two years to get their first degree. And then, many of them decide to stay and study for Master's degree or even a PhD. Some German researchers or universities engage them as research fellows.*

**Q: Regarding career opportunities: What should be considered if someone wanted to work in Germany? How is the cooperation with German colleagues in your experience?**

*For Thai employees working in Germany, it is important to understand the character and the mentality of Germans. I think this can be learned once arrived at the working place in Germany. It is quite important to know the “dos and don'ts” within the German culture. You know, this is something we tell not only our students but also tourists. It applies for me as a diplomat in the same way: when we stay in a foreign country, we have to understand the local mind-set and culture. For example, when you live in an apartment for rent, you have to follow the house rules. When you live in a house, you have to follow the customs,*

*such as how to take care of your lawn, your trash, your pets and so on. In conclusion, if you want to understand the German mind-set, you have to understand the public interest and public behaviour patterns. I am sure many Thais manage to get along very well and all are able to prepare themselves properly.*

**Thank you very much your Excellency for this interview.**

This interview was conducted by CPG legal clerks Daniel Grünewald and Deniz Kuruloglu.



# LIFESTYLE AROUND THAMMASAT UNIVERSITY

## Cooking Course - Silom Thai Cooking School



It is highly recommended to attend one of Bangkok's numerous cooking classes. Prices vary from ca. 2,500 Baht in high-class locations such as the famous "Blue Elephant", to merely 900 Baht in the (delicious) "Silom Thai Cooking School". Here, everything there is to know about one's favourite Thai dishes is taught by the passionate staff; from Pad Thai and Mussaman Curry to spring rolls and sweet sticky rice with mango, with a special insistence on getting to

know the local herbs, spices and other ingredients particular to Thailand and South-East Asia. Together, the participants also learn basic skills like the manual production of coconut milk and how to grind spices in a stone mortar to achieve the ideal curry paste. Of course, what is prepared together is also eaten together - an absolute delight of the senses!

Small group sizes (around 9 people) also guarantee a cosy atmosphere. Those who seek to take their cooking skills to the next level can also take part in advanced classes and roam the markets guided by the cooking instructors, searching for the best fresh ingredients for an authentic Thai meal. And in the end, the enthusiastic cooking student receives the school's own recipe book covering the meals prepared over the course of the evening (and many more)!



## Mu Kratha - Pla Thong Pan Fried Pork

Thailand's blend of Chinese hot pot and Korean barbecue, called "Mu Kratha" (sometimes spelled "Moo Kata"), is best enjoyed in its most authentic setting - "Pla Thong Pan Fried Pork", close to Victory Monument BTS station. Though slightly chaotic and disorientating at first, this venue provides for an authentic Thai Mu Kratha experience. Beer flows cheaply and the hustle and bustle of the locals feels miles away from Bangkok's more tourist-orientated locations.

What Mu Kratha lacks in spiciness, it makes up for in the variety of different meats, vegetables, seafood, fish, mushrooms, and tofu that it serves to prepare. The round part in the middle serves as a barbecue, while the outer soup ring cooks vegetables and fish-balls. A wide array of different sauces, from sweet and sour to spicy, complements the already big choice of options. Mu Kratha's ease of use makes it very popular among Thai restaurants, which mostly offer it as all-you-can-eat. Also on offer are surprising dishes like coconut ice-cream, along with several toppings, all for the flat price of about 160 Baht. You might want to bring a dictionary if you need to ask the staff a lot of questions!



## Getting and staying fit – freeletics, weight-training, martial arts... Bangkok is your oyster.

Generally speaking, Bangkok is a great place to get or stay in shape. The main reason for this is a good combination of the abundance of healthy food choices and a good range of gyms and sports that one can visit and pursue. Granted, Bangkok may lack a few parks or promenades to go running outside but this will only be an excuse if you really are looking for one.



Sanam Luang: <https://goo.gl/Xx3Ern>

Starting with parks, Sanam Luang right next to Thammasat University is a park where you can easily do a few laps of running – preferably early or late in the day – or use some of the sufficient green-space for exercises such as freeletic routines, yoga or Muay Thai. Bangkok of course has more than one park and if you have time to travel a bit further from Thammasat, you will find there are plenty of options.

These include Benjasiri Park next to Phrom Phong BTS, Benjakiti Park just off Asok BTS, Lumpini Park in Silom or Rama IX Park easiest to get to from Udom Suk BTS. Some parks, Lumpini or Rama IX for instance, also have a few weights and basic machines for you to work out with at a very reasonable fee. If you are not the most outdoorsy type when it comes to exercising, fear not!

Bangkok is also home to a number of gym chains like Virgin Active, Fitness First, True or We Fitness with a significant number of branches scattered throughout the city. Monthly memberships are available but they will charge you a fair bit on top if you commit for less than a year. In addition to these chains which are usually best for those who are seeking to do "Les Mills" type classes rather than their own, individual work-out, there are a number of independent gyms varying substantially in size and price. It is well worth looking around your own neighbourhood to see what is on offer. Worth mentioning here, if only due to its proximity to Thammasat, is Buddy Lodge Gym at the eastern end of Khao San Road. It is a small gym with a couple of cardio machines and a few weights, just enough for the occasional work-out. As with



Buddy Lodge Gym: <https://goo.gl/o91Emp>

most gyms here, pay-as-you-go is rather pricey if you keep doing it with single sessions at THB 200. You can buy 3 or 5 session at once for a small discount however. The best option in close proximity to Thamma-



sat will probably be Thammasat's own gym once it reopens after refurbishment in 2016. In addition to that, the university also has a Muay Thai Club which is open three days a week.

For those who are interested in training Muay Thai (MT) or maybe a mix of martial arts, Bangkok has plenty to offer too. First of all, it is important to note that everyone can train here. It does not matter in the slightest whether you are in it for a laugh, for general fitness or for seriously developing and improving your martial arts skills for competitions. There are numerous MT gyms in Bangkok, and it is guaranteed



*Muay Thai Lab: <https://goo.gl/MY437N>*

that you can find exactly what you are looking for. Close to university, there is Muay Thai Lab which has new facilities and different type sessions from 1-1, to group, to beginner classes. MT Lab is probably the newest but certainly not the only MT gym in the area. There are a number of other gyms, such as Sor Vorapin which has been around a long time. While you should not expect your training to be particularly cheap, you get high quality and 1-1 sessions with former and current champions in many gyms in Bangkok. For more MT gyms in Bangkok and Thailand, check here and here.

If you are looking to diversify away from MT but want to stay within the martial arts, Bangkok also has a growing mixed-martial-arts and jiu-jitsu scene. A great gym to combine all your martial arts desires, including western boxing, is Bangkok Fight Lab down in Sukhumvit close to BTS Phra Khanong. Here you can train MT but also take part in their very good jiu-jitsu and MMA programme. Another gym that albeit focusing on MT also offers some MMA training is Fighting Spirit Gym in Silom. From Thammasat, you can get here by boat (and a short motorbike taxi ride) which makes it quite accessible. Also, they have a fairly open



*Bangkok Fight Lab: <https://goo.gl/eHRC12>*



*Sor Vorapin: <https://goo.gl/9IhbRy>*

training schedule which makes it easy for you to fit a few training sessions into your week. If you are looking to take up jiu-jitsu only, do have a look at Bigfoot BJJ, Arete or again the Bangkok Fight Lab.

Prices highly depend on what you are after but in comparison to the overall cost of living in Bangkok most gyms are rather

steep – not to forget however, especially when it comes to MT, the top-notch quality of trainers and training. Cheap, local weights-gyms can cost you less than 1000 THB per month and more well-known chains start at around 2300 THB. MT and other martial arts will usually cost around 400-500 THB per session or 4000 – 6000 THB per month. Dedicated MT gyms where professional fighters train usually twice daily, can charge as much as 12000-14000 THB per month but this is obviously only useful for you if you can – and wish to- dedicate an entire month to training only.

On top of that, there are of course 'expat' and local teams one can join playing many mainstream sports such as football, rugby or even Australian Rules Footy. Here, a simple web-search suffices and most have Facebook groups set up so you can get in contact. If none of this takes your fancy and you want to participate in sports a bit more unusual, Bangkok being a huge city with great possibilities has numerous things to offer. Why not trampoline, parkour, surf, wakeboard or play ultimate Frisbee for a change? Bangkok is your oyster indeed.



*Fighting Spirit Gym: <https://goo.gl/2O7A3m>*



*Bigfoot BJJ: <https://goo.gl/VJqWP1>*



*Arete: <https://goo.gl/txKpcx>*



# ANNOUNCEMENTS



## Past Events September-October 2016

**On 1 September 2016**, the DAAD Information Center organized the Workshop “*DAAD Portal: Step by Step*” for this year’s scholarship applicants at the DAAD Information Center. For more details <http://www.daad.or.th/en/28757/index.html>.

## Big Band Regensburg concert

**On 1 September 2016**, the Thai-German Society Thailand with support of the German Embassy and Goethe Institut Thailand hosted a concert of the *Big Band from Regensburg, Germany*, at the Music Hall in Art and Culture Building of Chulalongkorn University. 50 young musicians presented Bavarian folk music, jazz, movie themes, musical songs as well as international hits and evergreens.

**From 1 to 2 September 2016**, the Academic Fora arranged the “*Bangkok 34th International Conference on Business, Economics, Social Science & Humanities- BESSH-2016*” in theme of “Advances in collaborative research for Business, Economics, social science and humanities” at Holliday Inn Bangkok Silom Bangkok, Thailand. For more information see <http://academicfora.com/bessh-bangkokthailand-1-2-september-2016/>.

**From 1 to 2 September 2016**, the World Research Center Top Ideas organized the “*3rd International Conference of Business, Economics, Management, Information Technology and Social Science*” at Centara Nova Hotel, Pattaya, Thailand. For more details follow <http://www.icbemconf.com>.

**From 1 to 2 September 2016**, the Canadian International Journal of Science and Technology organized “*ICASLE 2016 - International Conference on Social Science, Literature, Economics and Education*” at

Millennium & Copthorne Hotels, Chelsea Football Club, London, England.

**From 1 to 2 September 2016**, the VADEA with the University North and the Faculty of Law, University of Split arranged the “*16th International Scientific Conference on Economic and Social Development*” at the Faculty of Law, University of Split, Split, Croatia. Details are available at <http://www.esd-conference.com/?page=conference&id=17>.

**From 1 to 3 September 2016**, the Critical Legal Conference organized the conference on “*Critical Perspectives on Culture and Preservation: ProClarity in our Past, Present, and Future Cultural Heritages*” at the University of Kent’s Canterbury campus, Canterbury, England. For further information see <https://www.kent.ac.uk/law/research/clc-2016/index.html>.

**From 1 to 3 September 2016**, the Sakarya University and Sabahattin Zaim University in collaboration with Durham University (UK) hosted “*The International Joint Conference on Islamic Economics and Finance (IJCIEF)*” at Titanic Business Bayrampa Hotel, Istanbul, Turkey. Details are available at <http://www.icisef.org/>.

**From 3 to 4 September 2016**, the World Research Center Top Ideas arranged the “*4th International Conference of Business, Economics, Management, Information Technology and Social Science*” at KEE Hotel, Phuket, Thailand. For further information see <http://www.icbemconf.com>.

## Thailand-Nepal Friendship Award

**On 5 September 2016**, the Non-Resident Nepali Association (NRNA) Thailand hosted its *Annual Thailand-Nepal Friendship* Reception at which

more than 100 people and organizations have been honored for their contributions to the relation between Nepal and Thai people.



Picture: Courtesy Megha Chand

**From 5 to 6 September**, the University Governance & Regulations Forum held the “11th Annual University Governance and Regulations Forum” in Sydney, Australia. Details are accessible at <http://www.informa.com.au/conferences/education-conference/university-governance-and-regulations-forum>.

**From 5 to 9 September 2016**, the Kasetsart University and Mendel University hosted the “XI International Conference on Applied Business Research ICABR 2016” in theme of “Globalization and Regional Development” at Pattaya Hotel, Chonburi, Thailand. For further information see <http://www.kimba.ku.ac.th/icabr2016/default.aspx>.

**On 6 September 2016**, the Institute of Social Studies Trust in association with HEINRICH BOELL STIFTUNG INDIA arranged the twenty-first Gender and Economic Policy Discussion Forum on “Visibilising the Invisible: Mobilizations of Domestic Workers and the Regulation of Domestic Work in India” at the Magnolia Hall, New Delhi, India. For more details, follow [http://calendar.boell.de/sites/default/files/invite\\_gep\\_xxi\\_6th\\_september\\_2016.pdf](http://calendar.boell.de/sites/default/files/invite_gep_xxi_6th_september_2016.pdf)

**On 6 September 2016**, the Konrad Adenauer Foundation/Thailand in cooperation with ASEAN Studies Centre of Chulalongkorn University organized the seminar on “*The Foreign Policy Strategy of a Regional Middle Power – Thailand and Germany*” at the Chulalongkorn University, Bangkok. For further information see [http://www.kas.de/wf/doc/kas\\_20007-1442-2-30.pdf?160830102701](http://www.kas.de/wf/doc/kas_20007-1442-2-30.pdf?160830102701).

**From 6 to 8 September 2016**, the Ontario International Development Agency (OIDA) hosted the “International Conference on Sustainable Development 2016” at Pearl International Hotel, Kuala Lumpur, Malaysia. Details are available at <http://www.ontariointernational.org/idchome.htm>.

**From 7 to 8 September 2016**, the International Association of Academicians and Researchers (IN-AAR) arranged the “International Conference on Law, Humanities and Social Sciences” at Hotel Citrus, Kuala Lumpur, Malaysia. For more information go to <http://inaar.asia/september-malaysia-international-conference-law-humanities-social-sciences/>.

**From 7 to 8 September 2016**, the Panoply Consultancy hosted the “2nd International Conference on Advanced Research in Business and Social Sciences 2016 (ICARBSS 2016)” at Patra Jasa Bali Resort & Villas, Bali, Indonesia. For further information see <http://www.icarbss.com/>.

**From 8 to 9 September 2016**, the International Institute for Academic Development held the “International Academic Conference on Law, Politics & Management 2016” at Budapest, Hungary. See more information at <https://inomics.com/3rd-international-academic-conference-law-politics-and-management-budapest>.

**From 11 to 12 September 2016**, the Ontario College for Research and Development arranged the

international conference on “*Humanities, Literature, Business and Education*” at Furama Hotels & Resorts, Bangkok. For more information see <http://americanhealthcare.wix.com/thailand-september>.

**From 12 to 14 September 2016**, the Cambridge University held the second Public Law Conference “*The Unity of Public Law?*” at the Faculty of Law at the University of Cambridge, Cambridge, United Kingdom. See more information at <http://www.publiclawconference.law.cam.ac.uk/>.

DSI Model Network Award 2016 for CPG

**On 14 September 2016**, CPG received the 2016 Model Network Award of the Department of Special Investigation DSI. The award was presented by Pol. Col. Paisith Wongmuang, Director General of the DSI, during an official ceremony at Centra by Centara Government Complex Hotel.



CPG Director Henning Glaser (left),

DSI Director General Pol. Col. Paisith Wongmuang

On the occasion of the National Day of Nepal, H.E. Dr. Khaga Nath Adhikari, Ambassador of Nepal to Thailand, hosted a reception on **20 September 2016**.

**On 4 October 2016** Peter Prügel, Ambassador of the Federal Republic of Germany to Thailand, and his wife Lucia Costantini Prügel hosted a reception

at Mandarin Oriental Hotel on the occasion of the 26th anniversary of the German reunification.

**On 14 September 2016**, the Konrad Adenauer Foundation/Vietnam organized the conference on “*ASEAN Community After One Year of Realisation*” in Hanoi, Vietnam. For more details follow <http://www.kas.de/vietnam/en/events/69939/>.

**From 14 to 15 September 2016**, the International Association of Humanities, Social Sciences & Management Researchers arranged the “*International Conference on E-Governance, Law and Education*” at Holiday Inn Dubai, Dubai, United Arab Emirates. For more information at <http://hssmr.org/conference.php?slug=EGLE-16&sid=4&cat=Did=93>.

**On 15 September 2016**, the Advena World LLC organized the “*Leadership, Ethics, and Urban Issues 2016 International Conference*” at Double Tree by Hilton Hotel, Washington DC. Details are available at <http://www.advenaworld.com/strategic-management-economic-research-conference.html>.

**On 15 September 2016**, the DAAD Information Center arranged the Monthly Presentation “*Study and Research in Germany*” at the Auditorium of the Thai-German Cultural Foundation. Details are accessible at <http://www.daad.or.th/en/28757/index.html>.

**From 15 to 16 September 2016**, the Regional Programme Political Dialogue Asia and the Pacific in Singapore of Konrad Adenauer Foundation and NATO Public Diplomacy Division hosted “*The 6th NATO-Asia/Pacific Dialogue*” in Tokyo, Japan. For more details follow <http://www.kas.de/politikdialog-asien/en/events/68728/>.

**From 16 to 18 September 2016**, the Konrad Adenauer Foundation/Thailand and the OAC arranged

the seminar on “*The Impact of the Draft Constitution towards Administrative Case Trials*” at the Pattaya Marriott Resort and Spa, Pattaya, Thailand. For further information see [http://www.kas.de/wf/doc/kas\\_20162-1442-2-30.pdf?160912071646](http://www.kas.de/wf/doc/kas_20162-1442-2-30.pdf?160912071646).

**From 16 to 17 September 2016**, the Faculty of Economics, Yogyakarta State University held the “*International Conference on Ethics of Business, Economics, and Social Science (2016) – ICE-BESS 2016*” at Yogyakarta State University, Daerah Istimewa Yogyakarta, Indonesia. More information at <http://seminar.uny.ac.id/icebess2016/>.

**From 16 to 17 September 2016**, the European Center of Sustainable Development hosted the “*4<sup>th</sup> International Conference on Sustainable Development*” in Rome. For more information see <http://www.ecsdev.org/index.php/conference>.

**From 18 to 21 September 2016**, the Regional Studies Association Research Network on Migration, Inter-Connectivity and Regional Development (MICaRD) arranged the conference “*Contemporary Migration in an Changing World: New Perspectives and Challenges*” at the University of Belgrade. Details are accessible at <http://www.regionalstudies.org/events/event/contemporary-migration-in-changing-world-new-perspectives-and-challenges>.

**On 22 September 2016**, amongst others the Hanns Seidel Foundation Philippines held the conference on “*State of Emergency: Implications to Security Sector, Human Rights Defenders and Communities*” in Manila, Philippines. For more details follow <http://www.hss.de/southeastasia/en/philippines/news-events/2016/top-level-policy-dialogue-tackles-state-of-emergency-implications-to-security-sector-human-rights-defenders-and-communities.html>.

**On 23 September 2016**, former Berlin Major, Klaus Wowereit met with Jakarta Governor, Ahok (Basuki Tjahaja Purnama) to discuss city development.



**On 26 September 2016**, the Commission on Human Rights’ Technical Working Group (TWG) in cooperation with the United Nations Development Programme (UNDP) with support from the Hanns Seidel Foundation Philippines organized a roundtable discussion on Framework Development for the National Action Plan on Business and Human Rights in Manila, Philippines. For further information see <http://www.hss.de/southeastasia/en/philippines/news-events/2016/twg-holds-rtd-on-framework-development-for-the-national-action-plan-on-business-and-human-rights.html>.



**From 27 to 30 September 2016**, the Philippine Public Safety College with the support of the Hanns Seidel Foundation Philippines arranged the “*First Regional Police Training Conference on Transnational Crime*” in Quezon City, Philippines. For more details follow <http://www.hss.de/southeastasia/en/philippines/news-events/2016/philippine-pub>

[lic-safety-college-hosts-first-regional-police-training-conference-on-transnational-crime.html](http://www.hss.de/southeastasia/en/philippines/news-events/2016/philippine-pub-lic-safety-college-hosts-first-regional-police-training-conference-on-transnational-crime.html).

**From 29 to 30 September 2016**, the Eastern Mediterranean Academic Research Center hosted the “*International Interdisciplinary Conference On Otherness Studies 17*” at the Nippon Hotel, Istanbul, Turkey. For further information see <http://www.dakamconferences.org/otherness>.

**From 29 to 30 September 2016**, the Singapore Academy of Law organized the “*International Family Law Conference 2016: The Future of Family Justice - International and Multi-Disciplinary Pathways*” at the Supreme Court Auditorium, Singapore. For further information see <https://www.sal-e.org.sg/international-family-law-conference-2016>.

**From 8 to 10 October 2016**, the Kingdom of Thailand hosted the “*2nd Asia Cooperation Dialogue (ACD) Summit*” in Bangkok Thailand. For details see <http://www.thaiembassy.org/doha/en/news/3422/70870-2nd-ACD-Summit-on-8---10-October-2016-in-Bangkok.html>.

**From 9 to 11 October 2016**, the Supreme Court’s Criminal Division for Persons Holding Political Positions and Konrad Adenauer Foundation/Thailand held the seminar on “*Inspection of Assets of the Persons Holding Political Positions and State Officials*” at the Wiang Inn Hotel, Chiang Rai Province, Thailand. For more details follow [http://www.kas.de/wf/doc/kas\\_20306-1442-2-30.pdf?160928120804](http://www.kas.de/wf/doc/kas_20306-1442-2-30.pdf?160928120804).

**On 12 October 2016**, the Faculty of Law of University of Malaya arranged the “*Conference on Public Procurement Regulation in Asia: Recent Developments*” at University of Malaya, Kuala Lumpur, Malaysia. Details are accessible at <http://law.um.edu.my/about/media-centre/events/2016/10/12/>

[default-calendar/1-conference-on-public-procurement-regulation-in-asia-recent-developments](http://www.kas.de/wf/doc/kas_20332-1442-2-30.pdf?160929050452).

**On 12 October 2016**, the SEA Junction in partnership with the Heinrich Böll Foundation Southeast Asia held the panel discussion “*ASEAN Governance: Is there a Role for Civil Society?*” at the Bangkok Art and Cultural Centre (BACC) in Bangkok, Thailand. For more information go to <http://th.boell.org/en/2016/10/20/asean-governance-there-role-civil-society>.

**On 12 October 2016**, the Cambodian Institute for Cooperation Peace and in cooperation with the Konrad Adenauer Foundation/Combodia organized the discussion on “*Building a Regional Peace Community in the Asia-Pacific from a Human Security Perspective*” at the Ryerson University, Phnom Penh, Cambodia. Details are accessible at <http://www.kas.de/kambodscha/en/events/70358/>.

**On 13 October 2016**, the Konrad Adenauer Foundation/Thailand hosted “*The Role of Public Institutions and NGOs in Thailand’s Political Reform Process*” at Sofitel Sukhumvit, Bangkok, Thailand. For more information go to [http://www.kas.de/wf/doc/kas\\_20332-1442-2-30.pdf?160929050452](http://www.kas.de/wf/doc/kas_20332-1442-2-30.pdf?160929050452).

**From 13 to 14 October 2016**, the Polish Association of International Studies, the Institute of Political Science at the University of Gdansk, the Gulf Studies Center at College of Arts and Sciences of Qatar University arranged “*The 2nd edition of the international conference: Contemporary Arab and Muslim World in the International Relations*” at the University of Gdańsk, Poland. For further information see <http://arabconference.eu/>.

**From 13 to October 15 2016**, the International Academic Forum held “*The Asian Conference on*



*Politics, Economics & Law 2016*” at the Art Center Kobe, Kobe, Japan. For more details follow <http://iafor.org/conferences/acpel2016/>.

**On 18 October 2016**, the DAAD Information Center arranged the Monthly Presentation “*Study and Research in Germany*” at the Auditorium of the Thai-German Cultural Foundation. Details are accessible at <http://www.daad.or.th/en/28757/index.html>.

**From 19 to 21 October 2016**, the Kadir Has University in collaboration with Coventry University and the United Nations Human Security Unit organized the Istanbul Human Security Conference 2016 on “*The Human Security Implications of The Refugee Crisis: Evaluating Current Policies and Discussing Potential Solutions*” at Kadir Has University, Istanbul, Turkey. Details are accessible at <http://www.istanbulhumansecurity.org/>.

**From 20 to 21 October 2016**, the Academic Fora held the Bangkok 36th International Conference on “*Business, Economics, Social Science & Humanities- BESSH-2016*” at the Holliday Inn Bangkok, Bangkok, Thailand. For more information go to <http://academicfora.com/bessh-bangkok-thailand-20-21-october-2016/>.

**From 21 to 22 October 2016**, the International Network for Sexual Ethics and Politics, in cooperation with Miami University Luxembourg arranged the workshop on “*Regulating and Legitimizing Sexualities: the State, Law, Sexual Culture and Change under Neo-Liberalism*” at Miami University Luxembourg, Luxembourg. For further information see <http://www.insep.ugent.be/insepluxembourg/>.

**From 21 to 23 October 2016**, the International Islamic University Malaysia hosted the “*2nd World*

*Congress on Integration and Islamicisation: Focus on Medical and Health Care Sciences*” at University Malaysia, Pahang, Malaysia. Details are available at <http://www.iium.edu.my/wcii/>.

**From 24 to 25 October 2016**, the World Academy of Science, Engineering and Technology held the “*ICLS 2016: 18th International Conference on Law and Society*” at the Holiday Inn, Paris, France. Details are accessible at <https://www.waset.org/conference/2016/10/paris/ICLS>.

**On 27 October 2016**, the Russia-China Law Society and the LF Academy organized the Conference “*Russia and China: Partners in Law*” at The St. Regis Moscow Nikolskaya hotel, Moscow, Russia. For more information go to <http://rc.lfacademy.ru/en/#organizers>.

**From 27 to 29 October**, the American Society of Comparative Law 2016 Annual Meeting arranged the conference “*Comparative Law For a New World: Engaging Asia and Beyond*” at the University of Washington School of Law, Seattle, USA. Details are accessible at <https://www.law.uw.edu/events/ascl-2016/>.

**From 27 to 28 October 2016**, the World Academy of Science, Engineering and Technology held the “*ICCL 2016: 18th International Conference on Constitutional Law*” at the Novotel Buenos Aires, Buenos Aires, Argentina. For more details follow <https://www.waset.org/conference/2016/10/buenos-aires/ICCL>.

**From 27 to 28 October 2016**, the World Academy of Science, Engineering and Technology organized the “*ICAL 2016: 18th International Conference on Admiralty Law*” at the Novotel Buenos Aires, Buenos Aires, Argentina. Details are accessible at <https://www.waset.org/conference/2016/>.

**From 27 to 28 October 2016**, the World Academy of Science, Engineering and Technology held the “*ICCL 2016: 18th International Conference on Constitutional Law*” at the Novotel Buenos Aires, Buenos Aires, Argentina. For more information go to <https://www.waset.org/conference/2016/10/buenos-aires/ICCL>.

**On 31 October 2016**, the Institute of Security and International Studies (ISIS) in cooperation with Heinrich Böll Foundation/Thailand arranged the Public Forum “*What’s AIIB All About? China, Asia and A Contested Global Order*” at the Chulalongkorn University, Bangkok, Thailand. Details are accessible at <http://calendar.boell.de/de/node/107805>.



## Future Events

**On 2 December 2016**, the Global Academic Research Institute will organize the “*International Conference on Journalism*” at the Galle Face Hotel, Colombo, Sri Lanka. Further information is accessible at <http://journalismconference.globalacademicresearchinstitute.com/main/icj>.

**From 3 to 4 December 2016**, the Centre for Research in Social Sciences and Humanities will hold the “*International Conference on Gender Studies*” at Queens Hotel, Leeds, United Kingdom. For more information go to <http://www.socialsciencesand-humanities.com/international-conference-on-gender-studies/>.

**From 3 to 5 December 2016**, the International Education for Sustainable Development Alliance will host the “*3rd Asian Conference on the Social Sciences and Sustainability*” at Nagoya Sakae Tokyu REI Hotel, Nagoya, Japan. For more details, follow <http://intesda.org/social-sciences-sustainability-conference/>.

**From 5 to 7 December 2016**, the Tomorrow People Organization will arrange the “*Peace and Conflict Resolution Conference 2016*” at the AETAS Lumpini, Bangkok, Thailand. For more information go to <http://www.pcrconference.org/>.

**From 5 to 6 December 2016**, the World Academy of Science, Engineering and Technology will hold the “*ICEL 2016: 18th International Conference on Election Law*” at Crowne Plaza Hong Kong, Hong Kong, China. Further information is accessible at <https://www.waset.org/conference/2016/12/hong-kong/ICEL>.



**From 6 to 7 December 2016**, the University of Macau will organize the Second International Conference on “*Consumer Policy in China: New Trends and Challenges*” at Faculty of Law of the University of Macau, Macau, China. Details are available at <http://www.law.uga.edu/calling-all-papers/NODE/475>.

**From 8 to 9 December 2016**, the World Academy of Science, Engineering and Technology will arrange the “*ICAL 2016: 18th International Conference on Administrative Law*” at the Hotel NH Roma Villa Carpegna, Rome, Italy. For more information go to <https://www.waset.org/conference/2016/12/rome/ICAL>.

**From 8 to 9 December 2016**, the International Academic Forum will organize the “*The Asia-Pacific Conference on Security and International Relations 2016*” at the Osaka University Nakanoshima Center, Osaka, Japan. Further information is accessible at <http://iafor.org/conferences/apsec2016/>.

**From 8 to 9 December 2016**, the Thammasat Institute for Study of International Cooperation will host the “*Thammasat Annual Academic and Post-Graduate Conference on Asia-Pacific Studies*” at the Angsana Laguna Phuket, Phuket, Thailand. For more information go to <http://www.tu-caps.org/index.php>.

**From 9 to 10 December 2016**, the Eastern Mediterranean Academic Research Center will hold the “*POLITSCI '16 / IV. International Political Science Conference*” at the Nippon Hotel, Istanbul, Turkey. Further information is accessible at <http://www.dakamconferences.org/politsci>.

**On 10 December 2016**, the Yadam Institute of Research will arrange the “*2nd International Congress on Human Rights & Duties*” at the Hotel Karolbagh, Delhi, India. For more information go to <http://yir.co.in/wp-content/uploads/2016/06/ichrd-pdf.pdf>.

<http://yir.co.in/wp-content/uploads/2016/06/ichrd-pdf.pdf>.

**From 12 to 13 December 2016**, the World Academy of Science, Engineering and Technology will organize the “*ICCL 2016: 18th International Conference on Competition Law*” at the Amari Watgate Bangkok, Bangkok, Thailand. Further information is accessible at <https://www.waset.org/conference/2016/12/bangkok/ICCL>.

**From 12 to 13 December 2016**, the World Academy of Science, Engineering and Technology Law will host the “*ICAL 2016: 18th International Conference on Aviation Law*” at the Amari Watgate Bangkok, Bangkok, Thailand. Details are available at <https://www.waset.org/conference/2016/12/bangkok/ICAL>.

**From 12 to 13 December 2016**, the World Academy of Science, Engineering and Technology Law will arrange the “*ICIL 2016: 18th International Conference on International Law*” at the Amari Watgate Bangkok, Bangkok, Thailand. For more information go to <https://www.waset.org/conference/2016/12/bangkok/ICIL>.

**From 12 to 13 December 2016**, the World Academy of Science, Engineering and Technology Law will organize the “*ICLS 2016: 18th International Conference on Law and Society*” at the Amari Watgate Bangkok, Bangkok, Thailand. Further information is accessible at <https://www.waset.org/conference/2016/12/bangkok/ICLS>.

**On 15 December 2016**, the DAAD Information Center will arrange the Monthly Presentation “Study and Research in Germany” at the Auditorium of the Thai-German Cultural Foundation. Details are accessible at <http://www.daad.or.th/en/28757/index.html>.

**From 16 to 17 December 2016**, the Dignified Researchers Publication will host the “*International Research Conference on Social Sciences, Humanities and Interdisciplinary Studies (RCSSHIS-2016)*” at the Mercure Pattaya Ocean Resort, Pattaya, Thailand. For more information go to <http://drhss.org/conference/147>.

**From 16 to 17 December 2016**, the Business, Education and Law Research Group will organize the “*2016 International Conference on Practices in Law, Business and Education (PLBE-16)*” at the Mercure Pattaya Ocean Resort, Pattaya, Thailand. Further information is accessible at <http://belrg.org/conference/148>.

**From 21 to 22 December 2016**, the Academic Fora will arrange the Bangkok 38th International Conference on “*Business, Economics, Social Science & Humanities- BESSH-2016*” at the Holliday Inn Bangkok, Bangkok, Thailand. For more information go to <http://academicfora.com/bessh-bangkok-thailand-21-22-december-2016/>.

**From 26 to 27 December 2016**, the International Society for Engineering Research and Development will host the “*International Conference on Social Science Economics And Humanities*” at the Convenient Grand Hotel, Bangkok, Thailand. Further information is accessible at <http://10times.com/icsseh-bangkok>.

**From 26 to 27 December 2016**, the World Academy of Science, Engineering and Technology Law will organize the “*ICJSHR 2016: 18th International Conference on Justice, Security and Human Rights*” at the Crowne Plaza Dubai, Dubai. Details are available at <https://www.waset.org/conference/2016/12/dubai/ICJSHR>.

## Scholarship Opportunities

The **International Research Agendas** programme of the National Centre for Research and Development in Poland gives scientists the opportunity to create a research unit (innovative centre of excellence) in Poland, which will conduct world-class R&D activities focused on a specific and timely scientific challenge. Applicants should, if possible, represent the level of ERC Advanced Grant scientists and have profiles in line with those of applicants for directorial positions in leading scientific institutes in the world e.g. the Max Planck Institute, technological institutes in Cambridge (UK), MIT, etc. The first part of the application must be filed by 30 October 2016 at 4:00 pm. The second part of the application must be filed by 16 December 2016 at 4:00 pm. The third part of the application must be filed by 21 March 2017 at 4:00 pm. Further information is accessible at [http://ec.europa.eu/euraxess/data/linksImages/asean/In%20Focus\\_Poland\\_Oct%202016.pdf](http://ec.europa.eu/euraxess/data/linksImages/asean/In%20Focus_Poland_Oct%202016.pdf).

The **German Federal Ministry of Education and Research** (BMBF) provides funds for German universities and German research institutions to develop research presences in cooperation with leading research institutions in Australia, China, India, Indonesia, Japan, Republic of Korea, Malaysia, New Zealand, Singapore, Thailand, Vietnam in areas of common strategic significance: - Health research and medical technology, - sustainable cities, - renewable energies and energy efficiency, - environmental technologies and hydrotechnologies. Proposals must be submitted by the German partner until 20 December 2016. More information can be found at <http://ec.europa.eu/euraxess/index.cfm/links/singleNews/57553>.

**Chevening** which is funded by the Foreign and Commonwealth Office (FCO) and partner organisations offers two types of award - Chevening Scholarships and Chevening Fellowships - the recipients of which are personally selected by British Embassies and High Commissions throughout the world. Chevening presents an opportunity for future leaders, influencers, and decision-makers from all over the world to develop professionally and academically, network extensively, experience UK culture, and build lasting positive relationships with the UK. Application deadline is 8 November 2016. Details are accessible at <http://www.chevening.org/>.

The **Marie Skłodowska Curie Actions (MSCA) RESPIRE3** is an international, inter-sectoral and inter-disciplinary programme which offers Postdoctoral Fellowships in Respiratory Research by promoting excellent science in respiratory research in Europe and worldwide through transnational mobility. Enabling Europe to become a hub for the exchange of scientists, actively involved in respiratory medicine in both academia and non-academic sector. The submission deadline is 1 March 2017. For more details go to <http://ec.europa.eu/euraxess/index.cfm/links/singleNews/57609>.

The **Institut Pasteur -Paris University International Doctoral Programme** offers a stipend for applicants holding a Master degree in science, medicine or related fields from a non-French university and who are fluent in English. It covers the successful students' living expenses and health insurance during the duration of the contract (three years). Application deadline is 14 November 2016. Further details at <http://ec.europa.eu/euraxess/index.cfm/links/singleNews/56869>.

The **Marie Skłodowska-Curie COFUND Action EDGE**, led by Trinity College Dublin on behalf of

10 Irish academic institutions of excellence, awards 24 and 36 month fellowships to 71 high-caliber post-doctoral researchers, who will relocate to Ireland to join expert supervisors in the ICT and Materials field. Fellows will work on a research project of their own design, and are invited to submit proposals until 1st December 2016. For further information see <http://edge-research.eu/fellowships/>.

The Belgian programme **:"MOVE-IN Louvain"** grants postdoc fellowships for a period of 12 up to 24 months. The ambition is to build scientific and technological (S&T) collaborations and long-lasting networks between the respective research fields. The programme is based on a bottom-up approach as all research fields are eligible (Sciences and Technology, Humanities and Social Sciences, and Health Sciences). The project will start maximum 12 months after the call deadline on 4th January 2017. More information at <https://www.uclouvain.be/en-477969.html>.

The **SHARE scholarship programme** offers a fully-funded, one semester exchange for undergraduate students from selected universities across the ASEAN region. EP-Nuffic will also facilitate capacity-building workshop for universities that are willing to enhance their internationalisation process, student mobility and the use of the new credit transfer systems. Application deadline is 11 November 2016. More information can be found at <http://share-asean.eu/activities/scholarship/process/>.



# CPG JOB MARKET

CPG Job-Market

As a service, CPG provides a regularly updated overview of currently open job offers in fields and from institutions related to CPG’s focal areas of work.

Organization	Vacant position	Department, Office, Location	Closing Date	Information available at:
Prince of Songkla University	Lecturer	Faculty of Liberal Arts (Bahasa Melayu), Prince of Songkla University, Songkla	30 December 2016	<a href="http://www.personnel.psu.ac.th/Job/022.pdf">http://www.personnel.psu.ac.th/Job/022.pdf</a>
Prince of Songkla University	Lecturer	Faculty of Liberal Arts (English), Prince of Songkla University, Songkla	30 December 2016	<a href="http://www.personnel.psu.ac.th/Job/023.pdf">http://www.personnel.psu.ac.th/Job/023.pdf</a>
Prince of Songkla University	Occupational Therapist	Faculty of Medicine, Prince of Songkla University, Songkla	30 December 2016	<a href="http://medinfo.psu.ac.th/">http://medinfo.psu.ac.th/</a>
Prince of Songkla University	Radiographer	Faculty of Medicine, Prince of Songkla University, Songkla	30 December 2016	<a href="http://medinfo.psu.ac.th/">http://medinfo.psu.ac.th/</a>
Prince of Songkla University	Nurse	Faculty of Medicine, Prince of Songkla University, Songkla	30 December 2016	<a href="http://medinfo.psu.ac.th/">http://medinfo.psu.ac.th/</a>
University of Phayao	Lecturer	Department of Tourism, University of Phayao, Phayao	30 December 2016	<a href="http://www.thaiunijobs.com/lecturer/up26102559">http://www.thaiunijobs.com/lecturer/up26102559</a>
Chulalongkorn University	Lecturer	Faculty of Commerce and Accountancy, Chulalongkorn University, Bangkok	31 December 2016	<a href="http://www.thaiunijobs.com/lecturer/chula11102559">http://www.thaiunijobs.com/lecturer/chula11102559</a>

King Mongkut’s Institute of Technology Ladkrabang	Lecturer	Faculty of Information Technology, King Mongkut’s Institute of Technology Ladkrabang, Bangkok	6 January 2017	<a href="http://www.thaiunijobs.com/lecturer/kmitl06102559">http://www.thaiunijobs.com/lecturer/kmitl06102559</a>
Economic and Social Commission for Asia and the Pacific	Intern – Conference Service	ESCAP, Bangkok, Thailand	6 December 2016	<a href="http://unjobs.org/vacan-">http://unjobs.org/vacan-</a>
Chemonics International Inc.	Chief of Party	Urban Adaptation Financing Activity, Bangkok, Thailand	30 December 2016	<a href="http://unjobs.org/vacan-">http://unjobs.org/vacan-</a>
Office of the High Commissioner for Human Rights	Intern in several areas (Public Information, Human Rights)	OHCHR Thailand, Bangkok, Thailand	30 December 2016	<a href="http://unjobs.org/vacan-">http://unjobs.org/vacan-</a>
Economic and Social Commission for Asia and the Pacific	Intern – Social Sciences	ESCAP, Bangkok, Thailand	31 December 2016	<a href="http://unjobs.org/vacan-">http://unjobs.org/vacan-</a>
Office for the Coordination of Humanitarian Affairs	Intern - Programme Management	OCHA Regional Office for Asia and the Pacific (ROAP), Bangkok, Thailand	15 January 2017	<a href="http://unjobs.org/vacan-">http://unjobs.org/vacan-</a>
Walailak University	Lecturer	Faculty of Nursing, Walailak University, Nakhon Si Thammarat	25 January 2017	<a href="http://www.wu.ac.th/th/news/9803">http://www.wu.ac.th/th/news/9803</a>

Economic and Social Commission for Asia and the Pacific	Intern – Statistics	ESCAP, Bangkok, Thailand	30 January 2017	<a href="http://unjobs.org/vacan-">http://unjobs.org/vacan-</a>
Economic and Social Commission for Asia and the Pacific	Intern in several areas (Environment Affairs, Information Systems & Communication Technology, Economic Affairs)	ESCAP, Bangkok, Thailand	31 January 2017	<a href="http://unjobs.org/vacan-">http://unjobs.org/vacan-</a>
Economic and Social Commission for Asia and the Pacific	Intern in several areas (Public Information, Multimedia)	ESCAP, Bangkok, Thailand	15 February 2017	<a href="http://unjobs.org/vacan-">http://unjobs.org/vacan-</a>
UNICEF - United Nations Children's Fund	Consultancy – Face to Face Marketing Executive	UNICEF East Asia and Pacific, Bangkok, Thailand	29 April 2017	<a href="http://unjobs.org/vacan-">http://unjobs.org/vacan-</a>
UNICEF - United Nations Children's Fund	Consultancy - Face to Face Senior Team Manager	UNICEF East Asia and Pacific, Bangkok, Thailand	15 July 2017	<a href="http://unjobs.org/vacan-">http://unjobs.org/vacan-</a>
UNICEF - United Nations Children's Fund	Consultancy – Sustainable Development Goals (SDGs) Targets and Indicator for Children in Thailand	UNICEF East Asia and Pacific, Bangkok	10 August 2017	<a href="http://unjobs.org/vacan-">http://unjobs.org/vacan-</a>

Dusit Thani Public Company Limited	Student Registration Officer (Based at Dusit Thani Hotel School)	Dusit Thani Public Company Limited, Bangkok	Until Filled	<a href="http://th.jobsdb.com/th/en/job/">http://th.jobsdb.com/th/en/job/</a>
Dusit Thani College	Academic Services Officer	Dusit Thani College, Bangkok	Until Filled	<a href="http://th.jobsdb.com/th/en/job/">http://th.jobsdb.com/th/en/job/</a>
Kasem Bundit University	Lecturer	APDI, Kasem Bundit University, Bangkok	Until Filled	<a href="http://th.jobsdb.com/th/en/job/">http://th.jobsdb.com/th/en/job/</a>
Chulalongkorn University	Public Relations	Chula International Communication Center, Chulalongkorn University, Bangkok	Until Filled	<a href="http://th.jobsdb.com/th/en/job/">http://th.jobsdb.com/th/en/job/</a>
College of Music Mahidol University	English Teacher	College of Music Mahidol University, Nakhon Pathom	Until Filled	<a href="http://th.jobsdb.com/th/en/job/">http://th.jobsdb.com/th/en/job/</a>
College of Music Mahidol University	Musician	College of Music Mahidol University, Nakhon Pathom	Until Filled	<a href="http://th.jobsdb.com/th/en/job/">http://th.jobsdb.com/th/en/job/</a>
College of Music Mahidol University	Technician	College of Music Mahidol University, Nakhon Pathom	Until Filled	<a href="http://th.jobsdb.com/th/en/job/">http://th.jobsdb.com/th/en/job/</a>
Webster University	Lecturer in Psychology	Webster University, Petchaburi	Until Filled	<a href="http://th.jobsdb.com/th/en/job/">http://th.jobsdb.com/th/en/job/</a>



Bangkok Univer- sity	Institutional Researcher	Bangkok University, Bangkok Campus	Until Filled	<a href="http://th.jobsdb.com/th/en/job/">http://th.jobsdb.com/th/en/job/</a>
Stamford Inter- national Univer- sity	MBA Lecturer	Stamford International University, Bangkok	Until Filled	<a href="http://th.jobsdb.com/th/en/job/">http://th.jobsdb.com/th/en/job/</a>
National Savings Fund	Internal Audit officer	National Savings Fund, Bangkok	Until Filled	<a href="http://th.jobsdb.com/th/th/job/">http://th.jobsdb.com/th/th/job/</a>

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German-Southeast Asian Center of Excellence  
for Public Policy and Good Governance (CPG)  
Faculty of Law, Thammasat University  
2 Prachan Road  
Bangkok 10200, Thailand  
Phone: +66 2 613 2971  
Fax: +66 2 224 8100  
Website: [www.cpg-online.de](http://www.cpg-online.de)  
E-mail: [contact@cpg-online.de](mailto:contact@cpg-online.de)  
Facebook: [facebook/CPGTU](https://www.facebook.com/CPGTU)

Responsible for content: Henning Glaser, Duc Quang Ly, Lasse Schuldt, Jan Kliem

Outline and artwork: Duc Quang Ly, Thansuda Pantusa

Pictures: Venus Huangsuwan

